ORDINANCE NO. 526
AN ORDINANCE PROHIBITING INTERFERENCE WITH DRAINAGE FACILITIES, REGULATING CHANGES IN DRAINAGE AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS

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

SECTION 1. Definitions
a. "Channel" is defined as an elongated open depression in which water may or does flow.
b. "Conduit" is defined as a general term for an channel intended for the conveyance of water, whether open or closed.
c. "Ditch" is defined as an artificial channel, usually distinguished from a canal by its smaller size.
d. "Land Leveling" is defined as the redistribution of the surface covering of dirt by mechanical means to change the existing contours of the land.
e. "Person" as used herein means and includes individuals, partnerships, associations and corporations but excludes public agencies empowered to construct, operate or maintain facilities for the conservation, supply or distribution of water or for flood control.

SECTION 2.
It shall be unlawful for any person to do any of the following acts within the County of Solano:
a. Destroy, remove, damage or interfere with the operation or maintenance of any levee, embankment, channel, dam, reservoir, drainage canal, stream protective work or other drainage or flood control facility constructed, operated or maintained by any public agency.
b. Place, or cause to be placed, in any natural channel, drainage ditch, water course, or conduit, or upon any property over which the County of Solano, or any public agency within the County has an easement for flood control or drainage purposes, any rubbish, trash, or material of any kind that may interfere with the free flow of water therein.
c. Allow any water applied by him for commercial crop irrigation purposes to drain or spill upon the right of way of any public street, road or highway.

SECTION 3.
It shall be unlawful for any "person" to do any of the following acts within the County of Solano without first receiving a written permit therefor from the County Engineer:
a. Change the topography of any land in such manner that it alters or interferes with existing water drainage.
b. Fill, close or divert any storm water drainage channel or water course.
c. Use for any purpose or in any manner any flood control or drainage levee, embankment, service road, channel, dam, reservoir, protective work or facility constructed by any public agency, unless permission for has been previously granted by the public agency involved.

SECTION 4.
The County Engineer or the applicable public agency having jurisdiction shall grant permits to do any of the things referred to in Section 3 hereof 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 or drainage facility. Such permit shall be subject to such terms and conditions as the County Engineer shall deem reasonably necessary to assure adequate storm water drainage and the prevention of injury or damage to any property or flood control or drainage facility. No permit shall be granted to fill, close or divert a storm water drainage channel or water course unless an adequate substitute or replacement facility is provided.

SECTION 5.
Persons desiring a permit under this ordinance shall file with the County Engineer a written application therefor on forms provided by the County Engineer together with a site location map. Procedure covering the processing of an application by the County Engineer is as follows:
a. From personal knowledge of location and/or on site investigation of proposed work, he may either approve application or require additional engineering information provided by competent engineering assistance. Such additional engineering information may include:
   1. Plans, profile, maps and other data as may be required to show the present and proposed work.
   2. When land leveling is involved it shall include a cut and fill map, showing finished grade, direction of irrigation, irrigation water source, and drainage features, including off-site drainage provisions.

b. It shall be unlawful for any person to do any of the following acts within the County of Solano:
3. 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 County Engineer.

SECTION 5A.

Nothing contained in this ordinance shall impose any responsibility or liability on the County of Solano or 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 said County Engineer and no permit issued hereunder by County Engineer shall be deemed a certification by the County of Solano 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 said permit, and, further, if any permit is issued by error, or otherwise, or if a violation of this said ordinance occurs after construction by said permittee, then and in such event said permittee must correct said error or work done under said permit to conform to the provisions of this said ordinance within six (6) months from the date of discovery of said mistake or error, otherwise said permittee shall be deemed in violation of this said ordinance.

SECTION 6. Right of Appeal.

If a person or persons desiring a permit are denied a permit by the County Engineer, such person or persons shall have a right of appeal as follows:

Appellant shall file a written notice of appeal with the Board of Supervisors of Solano County, which notice of appeal shall contain an undertaking or bond in the amount of $200.00, and thereafter the Board of Supervisors shall select an Appeal Board consisting of competent engineers, two or three engineers as requested by appellant, and said appeal board shall review the application of said permit and render a decision thereon and said decision shall be final as to the granting or denying of said permit; if appellant shall be granted a permit said undertaking or bond shall be returned to appellant and the cost of such appeal proceedings shall be borne by the County of Solano, but if appellant is denied a permit by said Appeal Board then the cost of said appeal shall be borne and paid by appellant.

SECTION 7.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars ($500.00) or by imprisonment in the County Jail for a term not exceeding six (6) months, or by both such fine and imprisonment.

SECTION 8.

This ordinance shall be in full force and effect thirty (30) days from and after the date of final passage, and all ordinances in conflict herewith are hereby repealed.

SECTION 9.

This ordinance shall be published once before the expiration of fifteen (15) days after its final passage in the Dixon Tribune a newspaper of general circulation printed, published and circulated in the County of Solano, State of California.

ATTEST: LEWIS MORRILL
County Clerk and Escribano Clerk of said Board of Supervisors

I, LEWIS MORRILL, County Clerk of the County of Solano, State of California, and Clerk of the Board of Supervisors of said County, hereby certify that the above and foregoing ordinance was regularly introduced, passed and adopted by said Board on the 30th day of October, 1962, by the following vote:

AYES: Supervisors Bradley, Church, Lopes, Nowers and Kilby.
NOES: Supervisors none
ABSENT: Supervisors none.

WITNESS my hand and the Seal of said Board this 30th day of October, 1962.

LEWIS MORRILL
Lewis Morrill, Clerk