ORDINANCE NO. 8

AN ORDINANCE AMENDING CHAPTER 9, DRAINAGE AND FLOOD CONTROL, SOLANO COUNTY CODE

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

SECTION I.

The entire Chapter 9, Drainage and Flood Control, Solano County Code is rewritten and amended to read as follows:

Section 9-1. Definitions.

a. "Channel" is defined as any natural stream bed or mechanically excavated open depression in which water may or does flow.

b. "Conduit" is defined as a general term for a channel intended for the conveyance of water, whether open or closed.

c. "Canal" is defined as an artificial waterway for drainage or irrigation.

d. "Ditch" is defined as an artificial channel, usually distinguished from a canal by its smaller size.

e. "Land Levelling" is defined as the redistribution of the surface cover of dirt by mechanical means to change the existing contours of the land.

f. "Person" as used herein means and includes individuals, partnerships, associations, corporations, special districts and others, but does not include employees of the Solano County Public Works Department and the Solano County Flood Control and Water Conservation District or authorized representatives of the County of Solano.

Section 9-2. Interference With Drainage Prohibited; Allowing Water to Drain on Public Streets Prohibited.

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, canal, stream protective work, access easement or
other water delivery, drainage or flood control facility con-
structed, operated or maintained by any public agency.

b. Place, or cause to be placed in any channel,
    drainage ditch, water course, conduit, water delivery channel,
or upon any property over which the County of Solano, or any
public agency within the County has an easement for flood control,
water delivery, drainage or access, any rubbish, trash or material
of any kind that may interfere with the intended usage of the
easement or facility.

Section 9-3. Permit for Change of Drainage or Use of Levees

Required.

It shall be unlawful for any "person" to do any of the
following acts within the County of Solano without first receiv-
ing a written permit therefor from the County Engineer:

a. Level or relevee agricultural land for irrigation
purposes.

b. Change the topography of any land in such manner
that alters or interferes with existing water drainage.

c. Fill, close or divert any storm water drainage
channel or water course.

d. Use for any purpose or in any manner any levee,
embankment, service road, channel, dam, reservoir, canal, protec-
tive work or facility for flood control, water delivery or drainage
constructed by any public agency, unless permission for the use
has been previously granted by the public agency involved.

e. 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, 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 average flow characteristics.

Section 9-4. Applications, Procession Procedure.

The County Engineer or the applicable public agency having jurisdiction shall grant permits to do any of the things referred to in Section 9-3 hereof if he finds that such acts will not prevent or obstruct water drainage, will not increase the costs of road operation and maintenance and will not cause damage to any property or any flood control, water delivery 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, including county roads, or flood control, water delivery, or drainage facility. No permit shall be granted to fill, close or divert a storm water drainage channel or water course unless a substitute or replacement facility which is approved by the County Engineer is provided.

Section 9-5. Issuance, Terms.

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 and other information as required by the County Engineer. 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 infor-
mation 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.

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.

4. A performance bond may be required by the County Engineer for all or a portion of the work proposed in the application. The amount of the performance bond shall be determined by the County Engineer. If a performance bond is required, it shall be posted before a permit is issued.

Section 9-6. Time Limitations.

The permittee shall begin the act or work authorized by a permit issued pursuant to this division within ninety (90) calendar days from date of issuance, unless another date is specifically indicated in the permit, and the permittee shall notify the County Engineer at least forty-eight (48) 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 County Engineer 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 County Engineer.

Section 9-7. Liability of County, Correction of Errors.

Nothing contained in this Ordinance shall impose any
responsibility on the County of Solano, 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 the 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 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 Ordinance.

Section 9-8. Appeal for Denial.

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:

The 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 two hundred dollars ($200.00). Thereupon, the Board of Supervisors shall select an Appeal Board consisting of three (3) competent engineers 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 said undertaking or bond shall be forfeited by appellant.
Section 9-9. Regulation of Levee Materials.

a. Purpose - The Board of Supervisors of the County finds and declares that the people of the county have a primary interest in the construction and maintenance of levees so that materials used for these purposes do not endanger or constitute a threat to the health, safety and welfare of the public.

b. Materials prohibited; exceptions - It shall be unlawful for any person to use junk or scrap metal, junked automobiles or parts, rubber tires, broken concrete with protruding reinforcing steel or other material of a similar nature, for the purposes of erosion control or strengthening of any levee within the County, except that such material may be used during periods of emergency to combat an immediate threat, provided that materials used in an emergency are removed after the threatened danger is past.

c. "Emergency" defined. - "Emergency" for the purpose of this section, is defined to mean the sudden, unexpected rising, swelling of streams or navigable waters where such rising or swelling has damaged a levee or constitutes an imminent danger thereto.

SECTION II.

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

ROBERT M. SCOFIELD, Chairman of the Solano County Board of Supervisors, State of California
ATTEST:

NEIL CRAWFORD, County Clerk
and ex officio Clerk of the
Board of Supervisors,

By: G.A.R.G.A.H.A.N. DUNHAM, Deputy Clerk

I, NEIL CRAWFORD, County Clerk and ex officio Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was regularly introduced, passed and adopted at a regular meeting of said Board on August 14, 1973.

AYES: SUPERVISORS: Browdy, Higbee, Sh warriors

NOES: SUPERVISORS: 

ABSENT: SUPERVISORS: 

WITNESS my hand and official seal as such Clerk this 14th day of August, 1973.

NEIL CRAWFORD, County Clerk
By: G.A.R.G.A.H.A.N. DUNHAM, Deputy Clerk