

## Sonoma County On-Site Sewage Ordinance

### Article II. Private Sewage Disposal.\*

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### \*Note to Article II

\* Former Sec. 24-31 through 24-42 repealed by Ord. 1563. As to building regulations generally, see Ch. 7 of this Code.

### Sec. 24-32. Nonstandard on-site wastewater disposal systems--Definitions.

For purposes of this article, the following definitions shall apply:

- (a) "Standard system" means a method of on-site sewage disposal which includes a septic tank (with or without a sump and pump) by which method subsurface effluent is disposed of through leach lines which are constructed in accordance with Uniform Plumbing Code Section 1-6.
- (b) "Nonstandard system" means any method of on-site sewage disposal which does not use a septic tank or does not use standard leach lines for effluent disposal.
- (c) "Use" or "utilization" includes connecting or allowing a system to remain connected to a dwelling or other structure containing plumbing fixtures. (Ord. No. 4330 § 1, 1991; Ord. No. 3293 § 1.)

### Sec. 24-33. Operational permit required.

- (a) No person, firm, corporation or other entity shall use, or cause or allow the use of, any nonstandard system or a standard system for which monitoring is required as a condition of a permit or other grant of approval (hereinafter referred to as monitored system) within the unincorporated area of Sonoma County unless a valid operational permit is in effect for such use. Use of a nonstandard system without a permit or with a revoked permit is a public nuisance per se.
- (b) The board of supervisors shall establish a fee or schedule of fees for operational permits, to be collected by the director of permit and resource management department. Where the system is of such design that inspection is not required by the health officer or by the regional water quality control board, the fee may be waived by the director of permit and resource management department.
- (c) Upon payment of all fees and submission of an application which demonstrates to the director of permit and resource management department's satisfaction that the system will not have an adverse effect on ground or surface waters, or upon the public health, and no significant effect upon the environment, an operational permit may be issued for a period of one (1), two (2) or three (3) years. The director of permit and resource management department or his/her duly authorized representative

shall determine the length of time an operational permit may be valid for each individual sewage disposal system in accordance with departmental guidelines. The same standard shall govern both initial issuance of a permit and annual renewal. The director of permit and resource management department shall issue regulations governing application of the above criteria to nonstandard systems. The term "adverse effect" shall be defined by the director of permit and resource management department, but shall include cumulative effects.

(d) The director of permit and resource management department or his duly authorized representatives shall be granted a right to come on to the property of grantor and to bring associates and employees of the regional water quality control board to inspect and to monitor the standard or nonstandard on-site wastewater system when needed. The right of access to the property to inspect and to monitor the standard or nonstandard system shall be conveyed to the county of Sonoma in the form of a recorded easement. The director of permit and resource management department or his duly authorized representative may release the easement upon determination that connection to public sewer is made or when determined the easement is no longer required as per Streets and Highways Code Sections 8300 et seq. (Ord. No. 4906 § 5 (A) (part), 1995; Ord. No. 4330 § 2, 1991; Ord. No. 3293 § 2.)

### **Sec. 24-34. Revocation.**

(a) If the director of permit and resource management department determines that a nonstandard system or monitored system for which a permit has been granted may have an adverse effect upon the ground or surface waters, or upon the public health, or may have a significant effect upon the environment, the permit shall be subject to a revocation fact-finding hearing. Notice of the time and place of the revocation fact-finding hearing shall be mailed to the permittee (i.e., the permit holder-of-record) setting forth the perceived public health hazard/environmental problem, possible causes, and possible county action in the absence of rectifying the health hazard/environmental problem. The hearing shall be conducted no later than two (2) weeks after the mailing of a notice of possible revocation of operational permit for nonstandard/monitored wastewater disposal system. The notice shall provide the permittee an opportunity to attend a fact-finding hearing and indicate that failure to attend the hearing may be presumed to be an admission that the conditions believed to exist are true and correct as stated. The hearing shall be held no later than thirty (30) days from the date the notice is mailed. The permittee may request that the hearing be held at an earlier time than scheduled, as may be reasonable and convenient to the public director of permit and resource management department or his representative. Upon the dispatch of written findings that the nonstandard or monitored system poses a threat to public health and/or safety, and notice of revocation, the continued use of said system shall be unlawful and subject to abatement.

(b) Upon a reasonable suspicion by the director of permit and resource management department that the conditions in or around a nonstandard or monitored wastewater disposal system may pose a serious and imminent threat to public health and safety, a temporary suspension of the operational permit may be ordered. Such summary revocation shall be followed within three (3) days by written notice of the action mailed to the permittee, setting a time for a written response within ten (10) days of the date of mailing. This temporary suspension is in addition to the procedures set forth in subsection (a) and shall only be in effect until such time as the fact-finding hearing described above in subsection (a) is scheduled. At that time, the director of permit and resource management department shall determine whether there is good cause to revoke the operational permit. Failure to permit further inquiry into the condition of the nonstandard or monitored system, including access to the system site, shall be sufficient good cause to permit revocation of the operational permit.

(c) A revoked permit may be reinstated if the director of permit and resource management department determines that a plan has been established for adequate repair, alteration and/or maintenance of the system, and all costs of enforcement, including attorney fees, violation reinspection fees and any of the costs described in Section 24-35 have been paid. (Ord. No. 4906 § 5 (A) (part), 1995; Ord. No. 4330 § 3, 1991; Ord. No. 3293 § 3.)

### **Sec. 24-35. Abatement.**

In any action, judicial or administrative, to enforce any provision of this code relating to on-site sewage disposal, the county may recover all of its costs of enforcement, including, but not limited to, any administrative overhead, salaries and expenses incurred by the following departments: public health, planning, county counsel, district attorney, building and/or public works. All such costs shall be a lien upon the property upon which the system is located. (Ord. No. 4330 § 4, 1991; Ord. No. 3726, 1987.)

### **Sec. 24-36. Provisions cumulative.**

The provisions of this article are in addition to any other requirement for a permit for construction, alteration or repair of a septic system. (Ord. No. 4330 § 5, 1991; Ord. No. 3293 § 5.)

### **Sec. 24-37. IAPMO listing and UPC certification mark required.**

(a) No person, firm, corporation or other entity shall sell for use in Sonoma County, install, or cause or allow such sale or installation of any septic tank (or container amenable for use as a septic tank but used as a sump, water tank or other water-tight receptacle) in Sonoma County after July 1st, 1989, that is not listed with the International Association of Plumbing and Mechanical Officials (hereinafter "IAPMO") as meeting the PS-1 design standard (or its successor) for septic tanks. Each septic tank sold for use in or installed in Sonoma County after July 1st, 1989 must bear the Uniform Plumbing Code certification mark which is provided by IAPMO to septic tank manufacturers in good standing. If an IAPMO listing is revoked, septic tanks of the revoked design manufactured on or subsequent to the revocation date shall not be sold for use in or installed in Sonoma County until the IAPMO listing for the revoked design is reinstated. A UPC certification mark upon a septic tank will be regarded as conferring IAPMO approval of the design if the IAPMO listing was revoked after the septic tank's manufacture. Such tanks shall be presumed to meet the PS-1 design standard (or its successor).

(b) For purposes of this and succeeding sections, a septic tank is a water-tight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through a system of open joint piping or a seepage pit meeting the requirements of the Uniform Plumbing Code. (Ord. No. 3999, 1989.)

### **Sec. 24-38. Prohibited activities directly above a septic tank site.**

No person, firm, corporation or other entity shall use or cause or allow the use of property above any septic tank (or container amenable for use as a septic tank but used as a sump, water tank or other water-tight underground receptacle) to support the weight of any object, including, but not limited to, motor vehicles, trailers, boats, improvements upon the property, construction materials, construction equipment, or any combination thereof, with a gross weight exceeding one thousand (1,000) pounds. Temporary weight loads in excess of what is permitted herein may be authorized by the Sonoma County permit and resource management department to the extent that adequate mitigating measures distributing the weight load upon the septic tank may be feasible and given prior approval by said agency. (Ord. No. 4906 § 5 (C), 1995; Ord. No. 3999, 1989.)