ORDINANCE NO. 1632

AN ORDINANCE OF THE COUNTY OF SUTTER AMENDING THE SUTTER COUNTY ORDINANCE CODE BY AMENDING CHAPTER 700 RELATING TO ON-SITE SEWAGE TREATMENT AND DISPOSAL

THE BOARD OF SUPERVISORS OF THE COUNTY OF SUTTER ORDAINS AS FOLLOWS:

SECTION 1: The Sutter County Ordinance Code is hereby amended by amending Chapter 700 to read in its entirety as follows:

Chapter 700

ON-SITE SEWAGE TREATMENT AND DISPOSAL

SECTIONS:

700-010	AUTHORITY, PURPOSE, AND POLICY
700-020	ADMINISTRATION
700-030	DEFINITIONS
700-040	APPLICABILITY
700-050	ALTERNATIVE SYSTEMS AND PROPRIETARY DEVICES
700-060	NON-RESIDENTIAL ON-SITE SEWAGE SYSTEMS
700-070	ACTIVITIES REQUIRING A PERMIT
700-080	LOCATION OF ON-SITE SEWAGE SYSTEMS
700-090	SOIL AND SITE EVALUATION
700-100	ON-SITE SEWAGE SYSTEM PERMITS
700-110	EXTENDED SITE EVALUATION
700-120	WATER TABLE EVALUATION
700-130	STANDARDS FOR SUBDIVISIONS
700-140	AREAS OF SPECIAL CONCERN
700-150	OSS DESIGN AND INSTALLATION CRITERIA
700-160	FAILING SYSTEMS
700-170	REPAIR OF ON-SITE SEWAGE SYSTEMS
700-180	EXPANSION
700-190	ABANDONMENT
700-200	INSPECTIONS
700-210	OSS DESIGNERS
700-220	COMMERCIAL INSTALLERS
700-230	SEPTIC TANK PUMPERS
700-240	OPERATION AND MAINTENANCE
700-250	TECHNICAL ADVISORY COMMITTEE
700-260	ADMINISTRATIVE HEARINGS

700-270 VIOLATIONS
700-280 WAIVER OF REGULATIONS
700-290 USE OF BUILDINGS

700-010 AUTHORITY, PURPOSE, AND POLICY

A. This Ordinance is established pursuant to Section 101000, et seq. of the California Health and Safety Code, the Porter-Cologne Water Quality Control Act, Water Code Section 13000 et seq., and the Central Valley Regional Water Quality Control Board, Water Quality Control Plan. This Chapter shall apply to all territory embraced within the unincorporated limits of the County of Sutter, State of California.

B. The purpose of this Ordinance is to protect the public health by minimizing:

(1) The potential for public exposure to sewage from on-site sewage systems; and

(2) Adverse effects to public health that discharges from on-site sewage systems may have on ground and surface waters.

C. This Ordinance regulates the location, design, installation, operation, maintenance, repair, and monitoring of on-site sewage systems. This Ordinance seeks to:

(1) Achieve long-term sewage treatment and effluent disposal; and

(2) Limit the discharge of contaminants to waters of the State.

700-020 ADMINISTRATION

A. The Administrative Officer shall be the administrator of this Ordinance and shall be responsible for administrating the provisions and requirements of this Ordinance.

B. The Health Officer shall act under the direction of the Board of Supervisors. The Health Officer shall have the powers and duties enumerated in the California Health & Safety Code.

C. The Health Officer is hereby authorized and directed to adopt administrative rules or technical standards that are consistent with and effectuate the purpose of this Ordinance and Manual. Any activity pertaining to on-site sewage treatment and disposal shall conform to any such administrative rules or technical standards adopted pursuant to the following procedures:

(1) Notice of intent to adopt, amend, suspend, or repeal an administrative rule or technical standard shall be given to the Board of Supervisors, and any trade, industry, professional interest group or regional publication that the Department deems effective in reaching affected persons at least thirty (30) days before the deadline for comments;

(2) Adoption of a proposed administrative rule or technical standard shall be by official action of the Health Officer, who shall duly consider all relevant matter presented during the comment period; and

(3) Nothing shall prohibit the Health Officer from adopting emergency administrative rules to the minimum extent necessary without notice to avoid an immediate threat to public health.

D. The Administrative Officer is hereby authorized to develop a fee schedule to cover all of the activities delineated in this Ordinance. Any proposed fees shall become effective upon approval by resolution of the Board of Supervisors. The Local Agency shall not accept for review any application, nor issue any permit, nor in any manner take any official action until the appropriate fees are paid.

E. Where the provisions of any local, State, or Federal regulation conflicts with this Ordinance, the stricter regulation shall apply.

700-030 DEFINITIONS

Administrative Officer - "Administrative Officer" means the Director of Development Services.

Administrative Rule - "Administrative Rule" means a standard, statement of policy, or other statement of general applicability, that is intended to be judicially enforceable and implements, interprets or makes specific the requirements of this Ordinance and Manual, or describes the procedures or practices of the Department.

Alternative System - "Alternative System" means any on-site sewage system other than a conventional gravity or pressure distribution system.

Appeals Board - "Appeals Board" means the Environmental Health Appeals Board appointed by the Board of Supervisors. The Appeals Board shall consist of a commercial installer, a registered environmental health specialist, a professional engineer, a member of the public, and a medical doctor specializing or possessing training in an environmental or public health related field.

Approved - "Approved" means a written statement of acceptability, in terms of the requirements in this Ordinance, issued by the Health Officer or the Regional Water Quality Control Board.

Area of Special Concern - "Area of Special Concern" means an area of definite boundaries delineated by the Health Officer, after consultation with the Regional Water Quality Control Board, where additional requirements for on-site sewage systems may be necessary to reduce potential failures, or to minimize negative impacts of on-site sewage systems upon public health.

Authorized Professional - "Authorized Professional" means a California State Registered Environmental Health Specialist, California State Registered Civil Engineer, California State Registered Geotechnical Engineer, California State Certified Engineering Geologist or a Certified Professional Soil Scientist.

Bedroom - "Bedroom" means any room in a dwelling unit with a floor area equal to or greater than 70 square feet that could reasonably be used as a bedroom. For example, rooms such as lofts, sewing rooms, offices, and game rooms shall be considered bedrooms. Kitchens, bathrooms, laundry rooms, and other rooms such as family rooms and living rooms with large (≥48") arched doorways or half walls opening onto living areas shall not be considered as bedrooms. The final determination will be by the Building Division of Sutter County.

Board of Supervisors - "Board of Supervisors" means the Sutter County Board of Supervisors.

Building Sewer - "Building Sewer" means that part of the system of drainage piping which conveys sewage into the septic tank or other treatment facility outside the building or structure within which the sewage originates.

Cesspool - "Cesspool" means a pit receiving untreated sewage and allowing liquid to seep into the surrounding soil or rock. Cesspools are specifically prohibited by this ordinance.

Commercial Installer - "Commercial Installer" means a person licensed by the California Contractor State License Board in accordance with the California Business and Professions Code and meeting the requirements of this Ordinance to install and/or repair on-site sewage systems.

Conforming System - "Conforming System" means any on-site sewage system, except an experimental system, that meets any of the following criteria:

(1) A system in full compliance with the new construction requirements of this Ordinance;

(2) A system approved, installed, and operating in accordance with previous regulations pertaining to on-site sewage systems, unless considered a failing system under Section 700-160 of this Ordinance; or

(3) A system (including a repaired system) that has been granted a waiver by the Local Agency or the RWQCB.

Covenant - "Covenant" means a recorded agreement stating that certain activities and/or practices are required or prohibited.

Cover - "Cover" means soil material that is used to overlay the treatment and disposal area.

Cuts and/or banks - "Cuts and/or banks" means any naturally occurring or man-formed slope which is greater than one hundred percent (forty-five degrees) and extends vertically at least five feet from the toe of the slope to the top of the slope.

Deep Trench System - "Deep Trench System" means a system in which the effluent is distributed to trenches with a depth greater than 36 inches without receiving treatment in the upper soil horizons.

Department - "Department" means the Sutter County Department of Development Services, Environmental Health Division (Local Agency).
Design Flow - "Design Flow" means the daily sewage flow in gallons per day that a single-family residence or non-residential facility is expected to produce during peak operating flows and from which the drainfield is sized.

Designer - "Designer" means an authorized professional.

Development - "Development" means the creation of a residence, structure, facility, mobile home park, subdivision, planned unit development, site, area, or activity resulting in the production of sewage.

Drainfield - "Drainfield" means the treatment and disposal component of an OSS receiving effluent from a septic tank or other pretreatment device and transmitting it into native soil.

Drainage Course - "Drainage Course" means a natural or man-made open depression created and maintained to transport storm water away from the surrounding property, structure, and/or encumbrances.

Effective Soil Depth - "Effective Soil Depth" means the depth of suitable native soil above a restrictive layer.

Effluent - "Effluent" means liquid discharged from a septic tank or other on-site sewage system component.

Effluent Sewer - "Effluent Sewer" means that part of the system drainage piping that conveys partially treated effluent from the septic tank or other treatment facility into a distribution unit or drainfield.

Emergency Repair - "Emergency Repair" means repair of a failing septic system where immediate action is necessary (1) to prevent sewage from backing up into a dwelling or building or (2) to fix a broken pressure sewer pipe.

Equivalent Dwelling Unit - "Equivalent Dwelling Unit" means:

(1) A single-family residence (≤ 4 bedrooms); or

(2) Six hundred (600) gallons of sewage per day where the proposed development is a non-residential facility.

Expansion - "Expansion" means a change in a residence, facility, site, or use that:

(1) Causes the waste strength or flows to exceed the existing treatment or disposal capability of an on-site sewage system.

(2) Reduces the treatment or disposal capability of the existing on-site sewage system or

the replacement area. For example, a shop, building addition, pool, or impervious area that encroaches into the primary or replacement area, or any other activity reducing the capability of the soil to maintain design acceptance rates.

Failing System - "Failing System" means the presence of any of the conditions delineated in Section 700-160-B, or a system or system component listed under Section 700-160-C of this Ordinance.

Gravity System - "Gravity System" means a conventional on-site sewage system consisting of a septic tank and a drainfield with gravity distribution of the effluent.

Groundwater - "Groundwater" means subsurface water occupying the zone of saturation, either permanently, or seasonally. Indication may be demonstrated by one or both of the following methods:

(1) Water seeping into or standing in an open excavation or monitoring well from the surrounding soil.

(2) The presence of redoximorphic soil features (or soil mottles) caused by intermittent periods of saturation and drying, and may be indicative of poor aeration and impeded drainage.

Health Hazard - "Health Hazard" means a condition or situation where disease potential exists, and if left unabated the disease potential may increase, leading to a public health emergency.

Health Officer - "Health Officer" means the Health Officer appointed by the Board of Supervisors, or a representative authorized by and under the direct supervision of the appointed Health Officer or the Administrative Officer.

Holding Tank Sewage System - "Holding Tank Sewage System" means an on-site sewage system which incorporates a holding tank, designed and constructed to receive and retain sewage, the services of a septic tank pumper, and off-site treatment and disposal of the sewage generated.

Inactive System - "Inactive System" means an OSS that is connected to a structure that has not been served by electrical power during the previous six (6) year period or that has been installed but has not been connected to a structure within six (6) years of the date of final approval.

Local Agency- Local Agency (LA) means the Environmental Health Division of the Sutter County Development Services Department.

May - "May" means discretionary, permissive, or allowed.

Minimum Usable Sewage Disposal Area (MUSDA) - "Minimum Usable Sewage Disposal Area" means the minimum area of the parcel meeting the requirements of this Ordinance for the installation of an on-site sewage system and its replacement area.

Modification - "Modification" means any change in an OSS component without a change in the design capacity. Requires a site plan and approval by the Department.

Native Soil - "Native Soil" means undisturbed soil that exhibits the same structure, texture, and permeability as the area in question.

Net Land Area - "Net Land Area" means the total parcel area excluding surface water, road easements, right-of-ways, and drainage and utility easements.

New Installation - "New Installation" means any system not defined as repair, expansion, or modification.

Non-Conforming Repair - "Non-Conforming Repair" means a repair or replacement of an existing on-site sewage system that cannot meet the new installation requirements of this Ordinance due to soil or site limitations. A non-conforming repair includes:

(1) An OSS repair that must utilize the treatment standards shown in Table VI of Section 700-170-D in lieu of compliance with Section 700-080 for vertical separation and/or horizontal setbacks from surface waters or wells; and/or

(2) An OSS repair in which the drainfield or other OSS component cannot meet the new system design and installation requirements of Section 700-150 due to insufficient replacement area. Also referred to as a partial repair.

Non-Residential Facilities - "Non-Residential Facilities" means any facility that is constructed or used for commercial, industrial, institutional, agricultural, or recreational purposes.

On-Site Sewage System (OSS) - "On-Site Sewage System (OSS)" means an integrated arrangement of components for a residence, non-residential facility, or other place not connected to a public sewer system which:

(1) Conveys, stores, treats, and/or provides subsurface soil treatment and disposal of sewage on the property where it originates, or upon adjacent or nearby property; and

(2) Includes piping, treatment devices, other accessories, and soil underlying the drainfield and replacement area.

Ordinary High-Water Mark (OHWM) - "Ordinary High-Water Mark" means the mark on all lakes, reservoirs, rivers, streams, and ponds where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil and vegetation a character distinct from that of the abutting upland. In any area where the ordinary high-water mark is not evident, the OHWM adjoining static freshwater shall be the line of mean high water and the OHWM for rivers located within man-made levees shall be the 10-year flood frequency line.

Owner of Record - "Owner of Record" means the owner of real property as shown in the records of the Sutter County Recorder's Office.

Operational Permit - "Operational Permit" means a permit issued by the Department for a specified

period for the operation and/or use of an on-site sewage system that has special operational or maintenance needs.

Permit - "Permit" means a written certificate issued by the Department allowing an activity under the provisions of this Ordinance and Manual.

Person - "Person" means an individual, firm, association, company, organization, partnership, corporation, governmental entity, or any other entity of any kind. "Person" also includes an applicant, a permit holder, an authorized agent of any entity, or any third party acting on behalf of any entity.

Pressure Distribution System - "Pressure Distribution System" means a system designed to uniformly distribute septic tank or other treatment unit effluent under pressure.

Prior Approval - "Prior Approval" means any valid written approval or permit pertaining to a specific septic system application that was issued before the effective date of this Ordinance.

Proprietary Device - "Proprietary Device" means any device classified as an alternative system or a component thereof that is held under a patent, trademark, or copyright.

Public Sewer System - "Public Sewer System" means a community sewage system under permit from the Regional Water Quality Control Board which is owned or operated by a city, town, municipal corporation, county, political subdivision of the state, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities, and a means of final treatment and disposal.

Redoximorphic Soil Features - "Redoximorphic Soil Features" means the presence of soil mottles, or low-chroma colors, manganese and/or iron nodules, concretions, masses; depletions of iron and/or clay; and/or reduced matrices which may indicate the presence of groundwater.

Regulation - "Regulation" means a statute, administrative rule, policy or adjudicatory decision that is adopted under the authority of the Sutter County Board of Supervisors, the State of California, or the Federal Government.

Repair - "Repair" means the restoration or replacement of a failed on-site sewage system.

Replacement Area - "Replacement Area" means an area of land approved for the installation of an on-site sewage system and dedicated for replacement of the OSS in the event of its failure.

Residential Sewage - "Residential Sewage" means wastewater having waste strength typical of residential sewage as documented in the *EPA Design Manual: On-Site Waste Water Treatment and Disposal System,* United States Environmental Protection Agency, EPA-625/1-80-012, October 1980 (or the relevant section of any document that replaces the 1980 EPA Design Manual).

Residential Effluent Waste Strength	< 230 mg/L BOD_5 (Biochemical Oxygen Demand) < 150 mg/L TSS (Total Suspended Solids) < 25 mg/L FOG (Fats, Oils, and Greases)

Restrictive Layer - "Restrictive Layer" means a layer that impedes the movement of water, air, and growth of plant roots; including, but not limited to, groundwater tables, hardpans, claypans, fragipans, compacted soils, bedrock, unstructured clay soils or unsuitable soils.

RWQCB - "RWQCB" means the Central Valley Regional Water Quality Control Board.

Seepage Pit - "Seepage Pit" means an excavation of a pit more than three (3) feet deep designed to dispose of septic tank effluent to underlying soils that are more permeable without receiving treatment in the upper soil horizons. Seepage pits may also be referred to as dry wells.

Septage - "Septage" means the mixture of solid wastes, scum, sludge, and liquids pumped from septic tanks, pump tanks, holding tanks, and other OSS components.

Septic Tank - "Septic Tank" means a watertight receptacle which receives the discharge of sewage from a building sewer; and is designed and constructed to permit the separation of settleable and floating solids from the liquid, and detention and digestion of the organic matter, prior to discharge of the liquid portion.

Septic Tank Pumper - "Septic Tank Pumper" means a person registered by the Department who cleans and pumps septic tanks, pump tanks, holding tanks, chemical toilets, or other sewage.

Sewage - "Sewage" means urine, feces, and the water carrying human wastes; including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other facilities.

Shall - "Shall" means mandatory.

Shrink-swell soil - "Shrink-swell soil" means that the clay component of the soil has an expanding crystal and very small particle size, which results in wide, deep cracks after prolonged drying, and closed-up tightness after becoming saturated with water. Shrink-swell soils are also known as expansive clays, 2:1 clays, or vertisols.

Site Evaluation - "Site Evaluation" means evaluation of the soil profile and landscape features of a specific parcel or location for the purpose of determining whether the site complies with the requirements of this Ordinance for the installation of an on-site sewage system.

Soil Log - "Soil Log" means a detailed description of the soil profile or mantle, and other soil characteristics such as color, texture, structure, and density to provide information on the soil's capacity to act as an acceptable treatment and disposal medium for sewage.

Soil Type - "Soil Type" means a textural classification of fine earth particles and coarse fragments as described in Table II of Section 700-090-B(9) of this Ordinance.

Statute - "Statute" means any ordinance of the Sutter County Board of Supervisors, or any State or Federal law.

Subdivision - "Subdivision" means any division of land, as defined in section 1400-150 of the Sutter County Ordinance Code, as now or as hereafter amended.

Surface Water - "Surface Water" means any body of water that either flows or is contained in natural or artificial depressions for continuous periods of thirty (30) days or more. Such bodies include, but are not limited to, natural and artificial lakes, ponds, rivers, streams, marshes, and unlined irrigation canals; but shall exclude surface water contained by flood-irrigated crops, a culverted drainage course, concrete impoundment, or other protected waterway with an impervious lining.

Swimming Pool - "Swimming Pool" means any constructed or prefabricated structure intended for swimming or recreational bathing that contains water over eighteen (18") deep. Swimming pools may be in-ground or above-ground structures, and shall include doughboys, spa pools, and any other special purpose pools.

Treatment Standard 1 - "Treatment Standard 1" means a thirty-day average of less than ten (10) milligrams per liter of biochemical oxygen demand (five (5) day BOD_5), ten (10) milligrams per liter of total suspended solids (TSS), and a thirty (30) day geometric mean of less than two hundred (200) fecal coliform bacteria per one hundred (100) milliliters.

Treatment Standard 2 - "Treatment Standard 2" means a thirty-day average of less than ten (10) milligrams per liter of biochemical oxygen demand (five (5) day BOD_5), ten (10) milligrams per liter to total suspended solids (TSS), and a thirty (30) day geometric mean of less than eight hundred (800) fecal coliform bacteria per one hundred (100) milliliters.

Undocumented On-Site Sewage Disposal System - "Undocumented On-Site Sewage Disposal System" means an installed on-site sewage disposal system for which no permit is on file with the Department.

Unsuitable Soils - "Unsuitable Soils" means soils that are not capable of adequate treatment and/or disposal of sewage effluent and include:

(1) Silty clays, weak or structureless sandy clays and clays, silt, and strongly cemented, compacted, or massive soils;

(2) Very gravelly sands having ≥35% and <60% gravel and coarse fragments by volume;

(3) All extremely gravelly soils having ≥60% gravel and coarse fragments by volume;

(4) Soils that have a clay content of 45% or more as determined by particle size analysis; and

(5) Soils having a percolation rate of <1 mpi or >240 mpi.

Vertical Separation - "Vertical Separation" means the depth of unsaturated native soil of Soil Types 1-6 between the bottom of a drainfield and the highest seasonal water table, a restrictive layer, or unsuitable soils.

700-040 APPLICABILITY

A. Every residence, place of business, or other building or place where persons congregate, reside, or are employed in which sewage is generated that is not connected to a public sewer system shall be connected to an on-site sewage system (OSS) meeting the requirements of this Ordinance and Manual.

B. An approved OSS permit issued prior to the effective date of this Ordinance and Manual shall be valid for the period of time that is stated on the permit. An approved OSS permit that was issued prior to the effective date of this Ordinance and Manual may be renewed according to the regulations existing at the time the permit was issued.

C. An approved site evaluation issued prior to the effective date of this Ordinance and Manual shall be valid for a period of three (3) years from the date of issuance.

D. The Regional Water Quality Control Board (RWQCB) has authority and approval over:

(1) Public sewer systems;

(2) Industrial wastewater treatment facilities;

(3) Package treatment systems or other waste systems using mechanical treatment or lagoons; and

(4) On-site sewage systems with design flows through any common point above five thousand (5,000) gallons per day.

E. The Department has authority and approval over:

(1) On-site sewage systems with design flows through any common point up to five thousand (5,000) gallons per day;

(2) Any on-site sewage system with a design flow greater than five thousand (5,000) gallons per day up to ten thousand (10,000) gallons per day may be considered on a case-by-case basis after consultation with the RWQCB and for which jurisdiction has been transferred by written agreement to the Department.

F. Sewage that is not treated through a public sewer system shall not be discharged to surface water, to the surface of the ground, or underground unless the discharge is permitted by RWQCB.

G. When public sewer services are available within two hundred (200) feet of the Building or exterior drainage facility as measured along the usual or most feasible route of access, the owner of record must connect the residence or facility to the public sewer system if:

(1) The residence or facility is served by an OSS which has failed; or

(2) The residence or facility does not have an OSS.

Exceptions may be granted by the Environmental Health Director to Subsection G of this Section where the sewer main is not adjacent to the property line. Factors that may be considered prior to making a decision to grant or deny an exception include, but are not limited to, the following:

(1) Feasibility and cost of connection (connection and construction costs are greater than two times the replacement OWTS costs); and

(2) Reasonable expectation for future expansion plans of the sewer utility; and

(3) Willingness of the applicant to commit to connect to the public sewer in the future; and

(4) Suitability of the parcel for siting an on-site wastewater system and a determination that no impairment to drinking water sources is likely to result.

H. The owner of record of a residence or other facility served by a non-conforming repair shall abandon the OSS according to the requirements specified in Section 700-190, and shall connect the residence or other facility to a public sewer system if the sewer utility allows the sewer connection and:

(1) Connection is deemed necessary to protect public health by the Health Officer; or

(2) A public sewer becomes available within two hundred (200) feet of the nearest Building or exterior drainage facility as measured along the usual or most feasible route of access.

700-050 ALTERNATIVE SYSTEMS AND PROPRIETARY DEVICES

A. Alternative Systems may be permitted by the LA for the repair or upgrading of any existing System and for new construction on any legally created Lot where:

(1) It is determined that sewage cannot be disposed of in a sanitary manner by a Standard System; or

(2) It is determined that a Supplemental Treatment System and/or an alternative Dispersal System can provide greater protection to Groundwater and/or public health than a Standard System.

B. All Supplemental Systems shall be installed by a Contractor. Where the installation includes a proprietary treatment system certified and appropriately listed by National Sanitation Foundation for the treatment of wastewater, the Contractor shall also possess any required manufacturer certifications, as applicable.

C. The LA:

(1) May require performance monitoring or sampling of any alternative system; and because of the specialized design and performance requirements for Alternative Systems, Alternative Systems may be subject to an Operating Permit. Operating Permit requirements include periodic monitoring, maintenance and reporting requirements in addition to payment of a periodic fee. The periodic monitoring information shall also be submitted to the LA and designer on record.

(2) Shall submit copies of evaluation reports to the RWQCB, if required, when alternative system performance is evaluated.

700-060 NON-RESIDENTIAL ON-SITE SEWAGE SYSTEMS

A. An authorized professional shall design on-site sewage systems for non-residential facilities and shall certify that the proposed on-site sewage system meets the requirements of this Ordinance and will adequately serve a proposed facility.

B. When an OSS is proposed to treat and dispose wastewater that is not residential sewage, the applicant shall have an authorized professional submit to the LA:

(1) Information which shows that the sewage is not industrial wastewater;

(2) Information that establishes the sewage waste strength and identifies chemicals present in the sewage that are not found in residential sewage. Significant amounts of Recreational Vehicle (RV) wastes are prohibited. Significant amounts mean amounts greater than incidental dumping such that the volume, frequency, overall strength or chemical additives preclude definition as residential sewage;

(3) A design that provides treatment equal to that required for residential sewage; and

(4) An approved operation and maintenance contract between the system owner and qualified operation and maintenance provider (certified by the proprietor of the treatment unit), if applicable.

700-070 ACTIVITIES REQUIRING A PERMIT

A. No person shall install, repair, modify, expand, or destroy an OSS without a valid permit.

B. No person shall operate an alternative system without a valid permit.

C. Persons applying for a building permit for the construction of a building that will necessitate an on-site sewage system shall obtain a permit from the LA before starting construction. No permit shall be issued without an approved site evaluation.

D. Inactive systems shall not be utilized for sewage treatment and disposal unless the owner of record demonstrates that the system is in compliance with this Ordinance or a special permit

is granted by the LA under Section 700-280.

E. If a person fails to comply with the terms of a permit issued under this Ordinance, or engages in activities regulated under this Ordinance without the appropriate permit(s), the Health Officer may issue a written order to immediately stop or suspend all work, except that which is necessary to bring the project into compliance with this Ordinance.

A. Every new on-site sewage system shall meet the minimum horizontal separations shown in Table I, Minimum Horizontal Separations:

Table I
Minimum Horizontal Separations (Setbacks)

Items Requiring Setback	From edge of drainfield and replacement area	From septic tank, holding tank, pump tank, and distribution boxes	From undocumented OSS and seepage pits	From building sewer, and non-perforated transport line
Non-public well	100 ft.	50 ft.	150 ft.	50 ft.
Public water supply well[9,10,11]	>150 ft.	100 ft.	>150 ft.	100 ft.
Surface water[1,2,12,13]	100 ft.	50 ft.	100 ft.	10 ft.
Flood-irrigated crops, Retention ponds	50 ft.	50 ft.	50 ft.	10 ft.
Properly destroyed well[3]	10 ft.	10 ft.	N/A	N/A
Pressurized water supply line[4]	10 ft.	10 ft.	10 ft.	10 ft.
Irrigation/drainage pipe	10 ft.	5 ft.	10 ft.	5 ft.
Swimming Pool	8 ft.	8 ft.	8 ft.	5 ft.
Property line[5,6]	10 ft.	5 ft.	10 ft.	N/A
Building foundation[6]	8 ft.	5 ft.	8 ft.	5 ft.
Interceptor or curtain drain/drainage courses/ stormwater disposal systems and detention ponds Down-gradient[7] Up-gradient[7]	 50 ft. 25 ft.	 10 ft. 10 ft.	 50 ft. 25 ft.	 N/A N/A
Down-gradient cuts or banks with at least 5 ft. of undisturbed soil above a restrictive layer due to a structural or textural change[8]	4x height 50 ft. max	10 ft.	4x height 50 ft. max	N/A
Public Utility Easements	10 ft.	10 ft.	10 ft.	N/A

[1] If surface water is used as a public drinking water supply, the designer shall locate the OSS outside of the

required sanitary control area.

[2] Measured from the ordinary high water mark.

[3] Before any drainfield can be placed within one hundred (100) feet of a well, the owner of record shall obtain a well destruction permit from the Department and have the well destroyed by a licensed well driller.

[4] The LA may approve a water supply line within ten (10) feet of an OSS component if the water line is sleeved in schedule 40 pipe that extends a minimum of 10 feet from the OSS component, and is installed above the highest liquid level of any sewage or sewage effluent.

[5] The LA shall require a fifty (50) foot setback to property lines adjacent to agriculturally viable property from the edge of the drainfield and replacement area to ensure that the OSS is not impacted by flood irrigation. The Health Officer shall also require a fifty (50) foot setback to property lines from the OSS when individual wells are to be installed and the minimum distance between the drainfield and wells cannot be assured.

[6] The LA may allow on repairs, a reduced horizontal separation to not less than two (2) feet where the property line, easement line, or building foundation is up-gradient.

[7] The item is down-gradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is up-gradient when liquid will flow away from it upon encountering a water table or restrictive layer.

[8] The LA may increase the setback to down-gradient cuts or banks with less than 5 feet of undisturbed soil above a restrictive layer due to a structural or textural change.

[9] If the dispersal system is less than 10' in depth, then the setback must be greater than 150' from public water supply well.

[10] If the dispersal system is greater than 10' in depth, then the setback must be greater than 200' from public water supply well.

[11] If the dispersal system is greater than 20' in depth, and less than 600' from the public water supply well, then the setback must be greater than the distance for the two-year travel time of microbiological contaminants, as determined by a qualified professional.

[12] If the dispersal system is less than 1,200' from a public water system's surface intake, within its drainage catchment, and potentially threatens an intake, then the setback must be greater than 400' from the high-water mark of the surface water body.

[13] If the dispersal system is greater than 1,200', but less than 2,500', from public water systems surface water intake, within its drainage catchment, and potentially threatens an intake, then the setback must be greater than 200' from high water mark of surface water body.

B. OSS design and/or installation shall only occur where:

(1) The slope is less than thirty (30) percent;

(2) The area of the proposed OSS and the replacement area is not subject to:

(a) Encroachment by buildings or construction such as placement of swimming pools, patios, stormwater drainage systems or facilities, interceptor drains, drainage courses, and/or underground utilities;

(b) Cover by impervious material;

(c) Vehicular or animal traffic; or

(d) Other activities adversely affecting the soil or OSS performance; and

(3) Sufficient replacement area exists to treat and dispose one hundred (100) percent of the design flow meeting current standards.

700-090 SOIL AND SITE EVALUATION

A. Applications for site evaluations and permits shall be made to the LA. Prior to beginning the construction process, a person proposing the installation, repair, modification, connection, or expansion of an OSS shall:

(1) Submit the following general information to the LA:

(a) Name and address of the property owner and the applicant;

(b) Parcel number and address of the site, if available;

(c) Source of drinking water supply;

(d) Identification of whether the property is within the boundaries of a recognized sewer utility district, or a City Sphere of Influence;

(e) Size of the parcel;

(f) Type of permit for which application is being made, for example, new installation, repair, expansion, modification, abandonment, or operational;

(g) Source of sewage, for example, residential, restaurant, or other type of business;

(h) Number of bedrooms, if applicable;

(i) Name of the designer, if applicable;

(j) Name of the commercial installer and certificate of Workman's Compensation Insurance coverage, if applicable;

(k) Date of application; and

(l) Signature of applicant;

(2) Submit a complete, detailed, and dimensional site plan to the LA that includes:

(a) Designated areas for the proposed on-site sewage system and the replacement area;

(b) The location of all soil profile excavations and other soil tests for the OSS;

(c) General topography and/or slope of the site;

(d) Site drainage characteristics;

(e) The location of existing and proposed encumbrances affecting system placement, including but not limited to:

i. Legal access and easement documents if any component of the OSS is not on the parcel where the sewage is generated;

ii. Water sources and supply lines;

iii. Wells;

iv. Surface water;

v. Flood-irrigated crops;

vi. Abandoned wells;

vii. Buildings;

viii. Property lines and lines of easement;

ix. Interceptors such as footing drains, curtain drains, and drainage courses;

x. Cuts, banks, and fills;

xi. Driveways and parking areas;

xii. Existing OSS; and

xiii. Location of underground utilities and utility easements; and

(f) An arrow indicating north and site plan scale (engineer scale only);

(3) Prepare a minimum of one (1) representative soil profile excavation within the primary drainfield area and a minimum of one (1) representative soil profile excavation within the replacement area (additional soil excavations may be required):

(a) To allow examination of the soil profile in its original position by:

i. Excavating pits of sufficient dimensions to enable observation of soil characteristics by visual and tactile means to a depth of five (5) feet deeper than the anticipated bottom of the drainfield; or

ii. Stopping at a shallower depth if a water table or restrictive layer is encountered; and

(b) To allow determination of the soil texture, structure, color, compaction, water absorption capabilities or permeability, and elevation of the maximum groundwater level; and

(4) Assume responsibility for constructing and maintaining the soil profile excavation in a manner to reduce potential for physical injury by:

(a) Placing excavated soil no closer than two (2) feet from the excavation;

(b) Providing safe ingress and egress to a depth of four (4) feet, then scooping out a portion from the floor in order to observe the required seven (7) feet of soil face; and

(c) Filling the excavation upon completion of the soil log.

B. In performing soil and site evaluations, the LA or authorized professional shall:

(1) Record a minimum of one (1) representative soil log within the primary drainfield area and a minimum of (1) representative soil log within the replacement area in order to evaluate conditions;

(2) Record the groundwater elevation, the date of the observation, and the probable maximum height by evaluating the presence of any redoximorphic soil features;

(3) Record the topography of the site;

(4) Record the drainage characteristics of the site and the potential for flooding;

(5) Record the location and depth of restrictive layers, and effective soil depth;

(6) Use the site evaluation procedures and terminology in accordance with the *EPA Design Manual: On-site Wastewater Treatment and Disposal Systems,* United States Environmental Protection Agency, EPA-625/1-80-012, October 1980 (or the relevant sections of any EPA document that replaces the 1980 EPA Design Manual), except where modified by, or in conflict, with this Ordinance;

(7) Use the soil names and particle size limits of the United States Department of Agriculture, Soil Conservation Service (SCS) soil classification system;

(8) Determine texture, structure, compaction, and other soil characteristics that affect the treatment and water movement potential of the soil in accordance with ASTM D5921; and

(9) Classify the soil according to Table II, Soil Textural Classification:

Table II Soil Textural Classification	
Soil Type	**Soil Textural Classification**
1	Coarse sands, Medium sands
2	Fine sands, Loamy sands
3	Sandy loams, Loams
4	Silt loams, that are porous and have well-developed structure
5	Other Silt loams, Sandy clay loams, Clay loams, Silty clay loams
6	Sandy clays & Clays of low clay content (<45%) with moderate or strong structure
Unsuitable for Treatment or Disposal	Silty clays, weak or structureless sandy clays and clays, silt, and strongly cemented, compacted, or massive soils (>240 mpi) Very gravelly sands and all extremely gravelly soils (<1 mpi)

C. Site Approval

(1) The LA:

(a) May require additional soil testing as outlined in Section 700-110, Extended Site Evaluations;

(b) May require applications for sites within high water table areas to be evaluated during the months of high water table conditions. Those applications shall be held in accordance with the terms and conditions of Section 700-120; and

(c) May waive the required number of soil logs if adequate soil information has previously been developed; that is, that no disturbance of the soil has significantly modified the soil conditions.

(2) Site approval shall be issued where the site evaluation shows compliance with this Ordinance.

(3) Approved site evaluations on existing parcels shall be valid for a period of three (3) years from the date of approval. Approved site evaluations for parcels within a proposed subdivision or lot line adjustment shall be valid for a period of three (3) years from the date of recordation. Approved site evaluations shall be transferable, but they shall not be renewed.

(4) The LA shall render a decision or notify the applicant of the reason for delay on all applications within twenty (20) working days of the site evaluation or within twenty (20) working days of the submitted site evaluation data by an authorized professional.

700-100 ON-SITE SEWAGE SYSTEM PERMITS

A. When an application for an on-site sewage system conforms to the provisions of this Ordinance and requirements of other pertinent regulations, the LA shall issue a permit to the applicant.

B. A sewage disposal permit shall not be issued by the LA unless:

(1) The information obtained under Section 700-090 satisfies the requirements of this Ordinance and other local regulations; and

(2) The applicant submits a detailed system design that is approved by the LA and satisfies the requirements of Section 700-150. The detailed system design must include:

(a) A scaled, dimensional drawing showing the proposed location of all OSS components and replacement area;

(b) Vertical cross-section drawings showing:

i. The depth of the drainfield, the vertical separation, and depth of soil cover; and

ii. Other OSS components to be constructed or installed at the site;

(c) Calculations and assumptions supporting the proposed design, including:

i. The soil type;

ii. The hydraulic loading rate in the drainfield;

iii. The design flow of the OSS; and

(d) Such additional information as required by the Sutter County On-Site Manual.

C. When the LA issues a permit, they shall:

(1) Identify the permit as a new installation, repair, expansion, modification, or operational permit;

(2) Specify the expiration date on the permit; and

(3) State the period of validity for operational permits, the date by which an operational permit must be renewed, and the conditions of renewal.

D. The Health Officer may amend, suspend, revoke, or deny a permit for reasonable cause. Reasonable cause may include, but is not limited to:

(1) Installation of an OSS that creates a health hazard;

(2) Misrepresentation or concealment of material fact in information submitted to the Health Officer; or

(3) Failure to meet conditions of the permit or the requirements of this Ordinance and manual.

E. The LA may stipulate additional requirements for a particular permit if a health hazard would otherwise occur.

F. New installation and expansion permits shall be valid for a period of two (2) years from the date of issuance. Such permits are not transferable or renewable.

G. Repair and modification permits shall be valid for a period of six (6) months from the date of issuance and shall not be transferable. Repair and modification permits may be renewed for an additional six (6) months if the LA determines that a health hazard does not exist.

H. Operational permits for other on-site sewage systems that have special operational or maintenance needs shall be valid for a period of time that shall be set by the Health Officer through the adoption of administrative rules under Section 700-020-C. All operational permits are transferable and may be renewed subject to conditions specified by the Health Officer.

I. The LA has the authority to certify that the operation of an OSS complied with the requirements of this Ordinance on the date the LA inspected the OSS.

700-110 EXTENDED SITE EVALUATION

A. The LA shall require additional soil testing prior to site approval for types 5 and 6 soils and as necessary in other soils to determine if the site meets the minimum requirements of this Ordinance. Additional soil testing shall include:

(1) Percolation testing; and/or

(2) Particle size analysis (hydrometer testing)

C. Whenever the testing of Section 700-110-A is not required, the owner or authorized professional may choose to have additional, optional testing and evaluation done.

D. All testing shall be done by an authorized professional and according to testing standards as required by this ordinance and manual.

E. All soils analysis shall be completed at a commercial engineering testing laboratory.

F. Percolation testing shall only be considered by the Department if:

(1) The soil information required by Section 700-090-B has also been submitted to the Department;

(2) Soil application rates proposed do not exceed the maximum hydraulic loading rates for the soil type listed in Section 700-150-C, Table IV;

(3) The testing is conducted under saturated soil conditions;

(4) At least three (3) percolation tests are performed in each primary and replacement area (total minimum of six) for each depth to be tested; and

(5) At least 80% of the percolation test hole results fall within the range allowed for use of an OSS for sewage disposal.

700-120 WATER TABLE EVALUATION

A. Applications for the evaluation and/or installation of an OSS shall be subject to winter water table evaluations when a determination of the maximum groundwater level cannot be made.

B. Applications for the evaluation and/or installation of an OSS may be subject to a water table evaluation period not to exceed thirty (30) days during summer (June-August) irrigation periods if it is suspected that the groundwater levels are influenced by such agricultural activities.

C. The LA's decision to hold a site for winter water table evaluation shall be based on the following conditions:

(1) Historic high water table information documented in county development files;

(2) Alterations of landscape, or filling and grading practices, which in the opinion of the Health Officer could alter the flow of surface/ground water at the site;

(3) Redoximorphic soil features within the effective soil depth;

(4) Restrictive layer at a depth that may create high seasonal groundwater levels;

(5) Observations of wetland vegetation;

(6) Proximity to water bodies, including but not limited to canals, marshes, and

wetlands;

(7) Areas or parcels located in drainage and flooding problem areas; and/or

(8) High water table measurements recorded at the time of initial site evaluation.

D. Winter water table evaluations shall be conducted by an authorized professional and shall include at a minimum, monitoring of the groundwater levels every two (2) weeks during the months of January, February, March, and April immediately following the initial site evaluation.

E. Any application submitted after the beginning of the winter water table evaluation period may require evaluation during the following winter water table evaluation season.

F. Results of a winter water table evaluation shall be submitted to the Department within one (1) month after the conclusion of the evaluation period for review. The LA's decision shall be based on an evaluation of:

(1) The site conditions recorded during the evaluation period; and

(2) The amount of rainfall that equals or exceeds 80% of the seasonal mean rainfall for the period of November through April. This number shall be calculated using data from the Sacramento reporting station of the Department of Water Resources, Division of Flood Management.

G. All winter water table evaluation seasons (November through April) with recorded rainfall greater than or equal to the established comparison listed in Section 700-120-F(2) shall allow for the installation of systems complying with the regulations herein.

H. The LA may increase the vertical separation and/or level of sewage treatment for those parcels evaluated during an evaluation season with less rainfall than 80% of the mean seasonal rainfall as established under Section 700-120-F(2). Such increases in vertical separation and/or treatment requirements shall be determined via analysis of the site conditions in Section 700-120-C and the manual.

I. Sites shall be denied if the water table is measured within twenty-four (24) inches of grade on any two (2) consecutive readings or if surface water setbacks cannot be maintained. If a substandard reading of less than twenty-four (24) inches is recorded, another reading shall be recorded within seven (7) days of the first substandard reading.

J. All applicants shall have the opportunity to submit results from an additional winter water table evaluation period. This evaluation shall be compared to the results obtained during the previous evaluation period and its associated rainfall.

700-130 STANDARDS FOR SUBDIVISIONS

A. Prior to the submittal of a tentative map for a subdivision, an application for a site evaluation shall be made and site approval received for each parcel within a proposed subdivision, unless parcels in the proposed subdivision will be connected to a public sewer system or a parcel is granted an exemption under Section 700-130-G.

B. Prior to the approval of a lot line adjustment, an application for a site evaluation shall be made and site approval received for each of the adjusted parcels. The LA may waive this requirement if the proposed lot line adjustment does not impact any existing OSS and replacement area, or adjust a parcel so that the minimum requirements of this Ordinance cannot be met.

C. Site evaluations for subdivisions and lot line adjustments utilizing individual on-site sewage systems shall include a minimum of two (2) representative soil logs for each proposed or adjusted parcel. The test holes shall be prepared in accordance with Section 700-090.

D. Applications for a site evaluation on a proposed subdivision or lot line adjustment must include a scaled drawing of the property which shows the location of:

(1) Proposed parcel boundary lines;

(2) Natural topography and landscape features;

(3) Existing and proposed OSS;

(4) Existing structures and encumbrances;

(5) Existing and proposed wells; and

(6) Surface water.

E. If alternative systems are proposed for a subdivision or a lot line adjustment, sufficient design information that includes the specific site location for both primary and replacement systems shall be provided to the LA for review to determine if the minimum requirements of this Ordinance can be met.

F. If alternative systems are proposed for a subdivision, the LA shall require specific language to be recorded on or with the parcel map or final map addressing the special design considerations and/or system design requirements.

G. For those parcels in agriculturally designated areas and in the Ag/Open Space area of FPARC proposed solely for agricultural use or other open space uses that do not generate sewage or wastewater regulated by the Department or the RWQCB, and meeting the minimum parcel size of 20 or 80 acres for the applicable soil type (i.e., orchard or field crop), established in the Sutter County General Plan 2015 Policy Document, an exemption to the requirements of

Section 700-130-A may be provided by the LA if the following condition is met:

(1) A note is recorded on or with the parcel map or final map stating that a site evaluation to determine the suitability of the proposed parcel(s) for utilizing an on-site sewage system has not been conducted nor shall any use be permitted that generates sewage or wastewater regulated by the Department or the RWQCB unless all requirements of this Ordinance, or any amendments thereto in effect at the time of development are met.

H. If individual wells are proposed for the subdivision, a one hundred (100) foot protection zone shall be established around each existing and proposed well site. The proposed well location(s) must minimize development impacts on surrounding parcels.

I. Subsequent changes to the site or soil conditions after the completion of the site evaluation may result in approval revocation or the inability to obtain site approval for the installation of an OSS.

J. When an OSS is proposed, the minimum net land area and Minimum Usable Sewage Disposal Area (MUSDA) are contained in Table III. Table III applies to any development including, but not limited to, subdivisions, lot line adjustments, non-residential facilities, and single-family residences for which an OSS is proposed.

K. The LA may waive the minimum net land area requirements of Section 700-130-J for lot line adjustments on nonconforming lots or existing lots created prior to the adoption of this Ordinance.

Table III
Minimum Net Land Area Required Per Equivalent Dwelling Unit

Soil Type	Water Supply		MUSDA (square feet)
	Public	Private (Well)	
1	18,000 square feet	1 acre	6,000
2	20,000 square feet	1 acre	8,000
3	25,000 square feet	1.5 acre	10,000
4	30,000 square feet	1.5 acres	12,000
5	1 acre	2 acres	20,000
6	2 acres	3 acres	30,000

700-140 AREAS OF SPECIAL CONCERN

A. The Health Officer, after consultation with the RWQCB, may designate the following areas as areas of special concern. This designation shall not be made unless a minimum of one public hearing is held by the Health Officer within the proposed area of special concern.

(1) Sole source aquifers designated by the U.S. Environmental Protection Agency;

(2) Areas with a critical recharging effect on aquifers used for potable water;

(3) Designated public water supply wellhead protection areas;

(4) Up-gradient areas directly influencing water recreation facilities and public beaches as established under Section 115875 of the California Health & Safety Code;

(5) Areas designated as special protection areas for impaired waters and ground waters of the State of California;

(6) Drainage and flooding problem areas; and

(7) Areas identified and delineated by the Department in consultation with the RWQCB which constitute a health hazard due to the presence of failing on-site sewage systems.

B. The LA may impose more stringent requirements on new developments and take corrective measures to protect public health upon existing developments in areas of special concern, including:

(1) Additional design and/or performance standards for OSS;

(2) Larger land areas for new development;

(3) Mitigation for the impacts of development;

(4) Additional operation procedures and maintenance/monitoring protocols for OSS;

(5) Upgrades to existing OSS;

(6) Abandonment of undocumented and failing OSS; and

(7) Monitoring of ground water or surface water quality.

C. In order to reduce risk of system failures within an area of special concern, a person approved or designated by the LA shall:

(1) Inspect every OSS at a frequency determined by the LA depending on the type of

system and the constituents of concern.

(2) Submit the following written information to both the LA and the property owner within thirty days following the inspection:

(a) Location of all OSS components;

(b) Structural condition of the tank(s);

(c) Depth of accumulated scum and solids in the septic tank;

(d) Problems detected with any part of the system;

(e) Recommended and/or required maintenance;

(f) Maintenance provided at the time of inspection; and

(g) Other information as required by the LA.

(3) Immediately report failures to the LA.

D. When the Health Officer intends to designate an area of special concern, the Health Officer shall notify the Board of Supervisors of the definite boundaries of such designation, and the additional requirements for OSS to be applied within the delineated area of special concern.

700-150 OSS DESIGN AND INSTALLATION CRITERIA

A. The detailed design and construction of all OSS shall conform to this Ordinance and technical standards adopted by the Department. All pressure distribution and alternative systems shall be designed by an authorized professional.

B. The OSS shall be designed to receive all sewage from the residence or facility served unless otherwise approved by the LA. The design flow shall be established as follows:

(1) For individual residences, flows of one hundred thirty (130) gallons/day/bedroom shall be used for design purposes; and

(2) For other facilities, the typical values noted in *Small and Decentralized Wastewater Management Systems*, Crites & Tchobanoglous (1998), EPA Design Manual, the California Plumbing Code, or other document generally accepted as an industry standard shall be used. Any deviations shall be supported by appropriate water usage information and/or the use of low water use fixtures.

(3) The minimum design flow for an OSS shall be one hundred thirty (130) gallons per day.

C. Gravity systems and pressure distribution systems shall have the calculation of drainfield area based upon the design flows in Section 700-150-B and loading rates equal to or less than those in Table IV, Maximum Hydraulic Loading Rate for Residential Sewage, and applied only to the bottom of the excavated trench.

Table IV Maximum Hydraulic Loading Rate For Residential Sewage[1,2]			
Soil Type	**Soil Textural Classification**	**Percolation Rate (mpi)**	**Loading Rate (gal./ft.^{2}/day)**
1	Coarse sands, Medium sands	1-3	1.2
2	Fine sands, Loamy sands	4-10	0.8
3	Sandy loams	11-20	0.7
	Loams	21-30	0.6
4	Silt loams, that are porous and have well-developed structure	31-60	0.5
5	Other Silt loams (weak), Sandy clay loams, Clay loams, Silty clay loams[3]	61-120	0.3
6	Sandy clays & Clays of low clay content (<45%) with moderate or strong structure[3]	121-240	0.2

[1] Compacted soils, cemented soils, and/or poor soil structure may require a reduction of the loading rate or make the soil unsuitable for the installation of an on-site sewage system.

[2] The maximum hydraulic loading rate for the soil type listed is to be used for calculating the drainfield area required.

[3] Due to the high prevalence of clayey soils present in Sutter County, types 5 and 6 soils shall be subject to the extended site evaluation requirements of Section 700-110.

(1) If more than one suitable soil horizon is encountered in the soil profile, drainfield trench sizing shall be based on the most restrictive soil within twenty-four (24) inches beneath the bottom of the trench. Where particle size analysis has been conducted alternative application rates that are between the two soil classes may be considered when the results of soil testing are bordering the determination line between the soil triangle designations.

(2) The LA may allow the drainfield area calculated from Table IV to be reduced by a maximum of twenty (20) percent to account for trench sidewall infiltration if at least twelve (12) inches of drain rock is used under the distribution pipe and pressure distribution is utilized.

D. Effluent Treatment and Distribution

(1) The standard of effluent treatment prior to discharge and/or method of distribution in all cases shall meet or exceed the requirements contained in Table V, Effluent

Treatment and Distribution for Soil Types and Vertical Separation.

Table V Effluent Treatment and Distribution for Soil Types and Vertical Separation			
Soil Type	**Vertical Separation[1,4]**		
	≥1 foot to <2 feet	**≥2 feet to <3 feet**	**≥3 feet**
1	Treatment Standard 2	Treatment Standard 2	Treatment Standard 2
2	Treatment Standard 2	Pressure Distribution	Pressure Distribution
3-5	Treatment Standard 2	Gravity Distribution[2] or Pressure Distribution	Gravity Distribution[2] or Pressure Distribution
6[3]	Treatment Standard 2	Treatment Standard 2	Pressure Distribution

[1]A minimum effective soil depth of twenty-four (24) inches is required to utilize an OSS.
[2]Depth to groundwater must be ≥5 feet for gravity distribution.
[3]A mound system shall not be used in Type 6 soils.
[4]A minimum of twenty-four (24) inches is required to groundwater for all initial systems

(2) A minimum effective soil depth of twenty-four (24) inches is required to utilize an on-site sewage system for wastewater treatment and disposal.

(3) On-site sewage systems requiring more than five hundred (500) lineal feet of drainfield trench shall utilize pressure distribution.

E. Holding Tanks

(1) Persons shall not install or use holding tank sewage systems for residential development whether seasonal or year-round. This prohibition may be waived by the LA:

(a) For interim uses limited to handling emergency situations; and

(b) For repairs as permitted under Section 700-170-A (4).

(2) A person proposing to use a holding tank sewage system shall:

(a) Secure an approved operational permit from the LA; and

(b) Use a holding tank on the current approved wastewater tank list.

F. Septic Tanks:

(1) Must be on the approved list of watertight septic tanks;

(2) Shall have the following minimum liquid capacities for a single-family residence:

Number of Bedrooms	Required minimum liquid tank volume (gallons)
≤ 2	1,000
3-4	1,500
5-6	2,000
Each additional bedroom	250 per bedroom

(3) Shall have three (3) times the daily design flow with a minimum of one thousand (1,000) gallons for non-residential facilities;

(4) Shall have clean-out and inspection accesses at or above grade;

(5) Shall have access risers and covers that are watertight, constructed of a durable material, and secured with a lockable lid or otherwise secured to prevent unauthorized entry;

(6) Must be designed with protection against floatation and groundwater intrusion in high groundwater areas;

(7) Must be equipped with a Department approved effluent filter;

(8) Must be tested in place and demonstrated to be watertight by the commercial installer and/or authorized professional prior to use; and

(9) In multi-compartment tanks or when two or more tanks are used in series, the primary compartment or tank shall not have a liquid capacity of less than five hundred (500) gallons or less than two-thirds of total liquid capacity, whichever is greater.

G. Pump Tanks:

(1) Must be included on the approved list of watertight pump tanks;

(2) Shall have a liquid capacity of at least two (2) times the daily design flow with a minimum capacity of five hundred (500) gallons;

(3) Shall have cleanout and inspection accesses at or above finished grade;

(4) Shall have access risers and covers which are watertight, constructed of a durable material, and secured with a lockable lid or otherwise secured to prevent unauthorized entry;

(5) Must be designed with protection against floatation, ground water intrusion, and surface water inflow; and

(6) Must be tested in place and demonstrated to be watertight by the commercial installer and/or authorized professional prior to use.

H. Location of Septic Tanks and Pump Tanks

(1) Septic tanks and pump tanks shall be located in an accessible location for pumping and maintenance. Septic tanks and pump tanks located under paving or in areas subject to vehicular traffic must be reinforced to withstand the additional loading caused by potential vehicular traffic. A California State Professional Engineer shall determine the appropriate specifications for the reinforced tank.

I. Building Sewer and Gravity Effluent Pipe

(1) Pipe used for the construction of a building sewer line beyond the building plumbing shall be a minimum of three (3) inches inside diameter and of plastic that shall be PVC ASTM D3034, ABS Schedule 40, or the equivalent. Effluent gravity sewer pipe shall be of the same material and size as the building sewer pipe.

(2) Construction of the building sewer line shall be such as to secure watertight joints and it shall be on a grade of not less than $^1/_4$ inch per foot. Any such pipe or piping four (4) inches or larger in diameter shall have a slope of not less than $^1/_8$ inch per foot.

(3) Construction of the effluent sewer line shall be such as to secure watertight joints and it shall be on a grade of not less than $^1/_{16}$ inch per foot.

(4) No tees or ells exceeding forty-five (45) degrees shall be permitted in the building sewer line except for plastic long bend 90 elbows or sanitary tees. All aggregate horizontal changes in direction exceeding 135 degrees shall have accessible cleanouts.

(5) Building sewers of three (3) inch diameter shall have cleanouts installed at intervals of not more than fifty (50) feet and sewers of four (4) inch diameter and larger shall have cleanouts installed at intervals of not more than one hundred (100) feet. Where the effluent sewer line exceeds one hundred (100) feet in length, a cleanout shall be placed every one hundred (100) feet.

J. Distribution boxes:

(1) Shall be required on all conventional gravity systems;

(2) Shall be constructed and installed to provide equal flow of effluent to all outlets;

(3) Shall be set on stable soil or otherwise supported to prevent misalignment;

(4) Shall be durable, watertight, and equipped with an adequate removable cover;

(5) Shall not be constructed or installed where the invert of the inlet pipe is less than one (1) inch above the level of the invert of the outlet pipes, nor shall the invert of the outlet pipes be less than two (2) inches above the floor of the distribution box; and

(6) Shall not be installed within three (3) feet of the drainfield trenches.

K. Drainfield

(1) All drainfields shall be installed or located to comply with the following design criteria:

Trench Design Criteria	
Maximum length of each trench[1]	100 feet
Maximum width of trench	36 inches
Minimum width of trench	12 inches
Minimum depth[2]	6 inches
Maximum depth of trench[3]	24 inches
Minimum distance of undisturbed earth between disposal trenches[4]	7 feet

[1] Without pressure distribution.
[2] The minimum trench depth shall be twelve (12) inches from original grade if twelve (12) inches of drain rock is used below the distribution pipe.
[3] The bottom of the drainfield shall not be deeper than twenty-four (24) inches below the finished grade, unless written approval is given by the Health Officer.
[4] The Health Officer may allow a reduction in separation of individual trenches to not less than 4 feet on repairs or if a twenty-four (24) inch wide or narrower trench is used.

(a) The length of all drainfield trenches in conventional gravity systems shall be the same length with a maximum variance of 15%;

(b) The grade of the bottom of drainfield trenches and drainfield lines shall be level with a maximum grade of two (2) inches per one hundred (100) feet;

(c) The minimum depth of drain rock under drainfield lines shall not be less than six (6) inches;

(d) The amount of drain rock over drainfield lines shall not be less than two (2) inches; and

(e) The drain rock in the drainfield shall terminate at the intersection of the drainfield trench sidewall and the effluent sewer line, and such intersection shall be at least three (3) feet from the distribution box and five (5) feet from the septic tank or pump tank.

(2) Drainfield trenches shall not be excavated during wet soil conditions to prevent smearing and/or compaction of the soil interface. All smeared or compacted soil surfaces in the trench shall be scarified and the loose material removed.

(3) All distribution piping for gravity drainfields shall be a minimum three (3) inch diameter Polyethylene (PE), ABS, or PVC perforated sewer pipe.

(4) Drain rock:

(a) Shall be ½ to 2 ½ inches in diameter, with no less than 100 percent passing a 2-inch sieve by weight and no more than five (5) percent passing a ½ inch sieve by weight; and

(b) Must be durable, clean, washed, non-deteriorating gravel, free of organic materials and fines, and with the percent by weight passing the U.S. No. 200 sieve no greater than 0.5%.

(5) Drainfield trenches shall have an approved barrier material consisting of untreated building paper (40-60 lbs.), straw (2 inches compacted minimum), or a geotextile filter fabric placed between the gravel or gravel substitute and soil cover. This requirement may be waived by the LA when gravelless chambers are used.

(6) All drainfield trenches shall have a minimum of one (1) observation port for each lateral located at the distal end of the trench.

L. Cover of the Drainfield

(1) The cover material shall be a loamy material with less than thirty (30) percent clay content;

(2) The minimum depth of cover over the drainfield shall not be less than nine (9) inches of cover material;

(3) The maximum depth of cover over the drainfield shall not exceed eighteen (18)

inches except by special permission of the LA;

(4) The soil cover shall extend at least five (5) feet beyond the limits of the drainfield trenches and graded at a maximum slope of 3:1. On sloping sites, a downslope correction factor shall be used to maintain the required maximum slope of 3:1;

(5) The required grade of the drainfield trenches must be maintained while backfilling; and

(6) The soil cover shall be graded to prevent ponding, seeded, and covered with an approved erosion control material if necessary.

700-160 FAILING SYSTEMS

A. No person shall knowingly cause, permit, or allow an OSS failure to occur.

B. An on-site sewage system failure occurs when:

(1) Sewage and/or sewage effluent is present upon the surface of the ground;

(2) Sewage and/or sewage effluent is discharging to surface water directly or by means of a ditch or depression;

(3) Sewage is backing up into a residence, business, or facility;

(4) Effluent is directly or indirectly reaching groundwater and that effluent does not meet Treatment Standard 2 (or Treatment Standard 1, if applicable); and/or

(5) Sewage is leaking from a septic tank, pump tank, holding tank, or collection system.

C. The following systems or system components shall also be considered a failing system and shall be repaired or replaced:

(1) Pit privies;

(2) Cesspools or seepage pits/dry wells

(3) Deep trenches that discharge effluent directly to groundwater or that are located in a designated area of special concern under Section 700-140 of this Ordinance;

(4) Metal or wood septic tanks;

(5) Concrete septic tanks that may be considered a potential safety hazard (i.e. wood lid or otherwise structurally unsound); and

(6) Drainfields, with no record of approval, that are located within fifty (50) feet of

surface water or a water supply well.

(7) Cesspools are not allowed under any conditions.

700-170 REPAIR OF ON-SITE SEWAGE SYSTEMS

A. When an OSS failure occurs that cannot be readily repaired without the replacement of the drainfield or an owner of record submits an application to use an inactive system which does not comply with this Ordinance, the OSS owner shall, in order of priority:

(1) Connect the residence or facility to a:

(a) Public sewer; or

(b) Privately owned OSS with concurrence of the LA;

(2) Repair or replace the OSS with a conforming system, either on the property served, or on nearby or adjacent property if the necessary easement(s) is/are obtained.

(3) Repair or replace the OSS with a non-conforming repair, either on the property served, or on nearby or adjacent property if the necessary easement(s) is/are obtained;

(4) Perform one of the following when the requirements in Sections 700-170-A(1), 700-170-A(2), or 700-170-A(3) are not feasible:

(a) Use a holding tank, conforming with Section 700-150-E;

(b) Obtain a National Pollution Discharge Elimination System or State discharge permit from the Regional Water Quality Control Board issued to a public entity or jointly to a public entity and the system owner only when the Health Officer determines:

i. An OSS is not feasible; and

ii. The only realistic method of final disposal of treated effluent is discharge to the surface of the land or into surface water; or

(c) Abandon uses of the property which generate sewage.

B. Prior to replacing or repairing the drainfield, the OSS owner shall develop and submit information required under Section 700-090 and obtain a permit.

C. The LA shall permit a non-conforming repair only when:

(1) Installation of a conforming system is not possible; and

(2) Connection to either an approved OSS or a public sewer is not feasible.

D. The person responsible for the design of an OSS repair shall locate and design that repair to:

(1) Meet the requirements of Table VI if the drainfield to be repaired or replaced is closer to any surface water or well than prescribed by the minimum horizontal separation required in Table I of Section 700-080;

Table VI
Requirements for Non-Conforming Repairs
Not Meeting Vertical and Horizontal Separations[1]

Vertical Separation (feet)	Horizontal Separation[2] (feet)		
	<50	50-75	>75-≤100
<1	Treatment Standard 1	Treatment Standard 1	Treatment Standard 2[3]
1-2	Treatment Standard 1	Treatment Standard 2[3]	Pressure Distribution
>2	Treatment Standard 2[3]	Pressure Distribution	Pressure Distribution

[1] The treatment standards refer to effluent quality before discharge to unsaturated, subsurface soil.
[2] The horizontal separation indicated is the distance between the disposal component and the surface water or well. If the drainfield is up-gradient of the surface water or well, the next higher standard level of treatment shall apply unless Treatment Standard 1 is already being met.
[3] This standard shall not be met through the use of a mound system on non-conforming repairs.

(2) Protect drinking water sources;

(3) Prevent the direct discharge of sewage to ground water, surface water, or upon the surface of the ground; and

(4) Meet the requirements of this Ordinance to the maximum extent permitted by the site.

E. An owner of record who receives a non-conforming repair permit from the LA shall:

(1) Record a notice with the Sutter County Clerk Recorder of the presence of a non-conforming repair on the property. The notice shall specify operation and maintenance requirements and any limitations on the use of the property that are related to the presence of a non-conforming repair;

(2) Immediately report any failure to the LA;

(3) Comply with all local and state requirements stipulated on the permit.

700-180 EXPANSION

A. An expansion of a residence or other facility not served by a public sewer system shall not

occur unless the on-site sewage system and the replacement area comply with the new system construction standards specified in this Ordinance.

B. The owner of record may replace an existing residence or structure ("like for like") served by a conforming OSS with record of approval provided that:

(1) The replacement residence or structure does not cause the waste strength or flows to exceed the design flow of the existing system;

(2) The replacement area fully complies with this Ordinance meeting current standards; and

(3) The existing OSS is not considered a failing system under Section 700-160 of this Ordinance.

700-190 ABANDONMENT

A. No person shall permanently abandon any septic tank or other tank, seepage pit, cesspool, or inactive system without first obtaining a permit from the LA.

B. Any septic tank or other tank, seepage pit, or cesspool, which is no longer in use or has been discontinued otherwise from further use, shall be abandoned by:

(1) Having the septage removed by a registered pumper;

(2) Removing or destroying the lid and creating a hole in the bottom (unless filled with concrete); and

(3) Filling the void with soil, concrete, or other approved material after the LA has inspected the tank, seepage pit, or cesspool.

700-200 INSPECTIONS

A. All construction and materials used in an OSS shall be subject to inspection by the LA at any reasonable time. Using an OSS prior to final inspection and approval is unlawful. At the time of final inspection, the OSS shall meet the following conditions:

(1) The septic tank and pump tank (if applicable) installation shall be completed and the access covers shall be removable so that the inside of the tank(s) may be inspected;

(2) All required inspections have been conducted by the LA and the authorized professional;

(3) The drainfield trenches shall be completed except for backfilling with cover material. A pressure test of the laterals is required prior to covering the laterals on pressure distribution systems;

(4) There shall be an unobstructed view of all outlets within the distribution box;

(5) All electrical work including the installation of system control panels and float switches shall be installed and operating; and

(6) All required OSS components shall be installed.

B. The owner of record or commercial installer making such installation or modification shall be responsible for notifying the LA that the installation is ready for inspection. Notification shall be made at least one (1) working day prior to the anticipated date that the system will be ready for inspection.

C. If, upon inspection, the LA finds that the work, material, design, or location of the on-site sewage system does not comply with the requirements of this Ordinance, he/she shall notify the owner of record and/or commercial installer by written notice. If non-conformance with the provisions of this Ordinance is not corrected, the OSS shall not be approved and its use shall be prohibited.

D. Pressure distribution systems and alternative systems shall not be approved by the LA until the designer has submitted a signed certification that the system has been installed according to the approved design.

E. On-site sewage systems shall not be approved by the LA until the designer and/or commercial installer has submitted a scaled "as-built" drawing of the installed system.

F. "As-Built" Drawings

(1) All "as-built" drawings shall include measurements to existing site features enabling all OSS components to be easily located.

(2) All "as-built" drawings for new OSS shall delineate the dimensions of the replacement area.

(3) All "as-built" drawings for repaired or modified OSS shall include the new, repaired, or modified components with their relationship to the existing system.

(4) All "as-built" drawings for designed systems must include the minimum information specified in the adopted technical standards.

700-210 OSS DESIGNERS

A. All non-conventional on-site sewage systems shall be designed by an authorized professional.

B. Only site evaluation data gathered by an authorized professional or the LA is valid. Field

verification may be conducted by the LA.

C. An authorized professional shall not design on-site sewage systems in Sutter County unless he/she has submitted documentation of State certification, registration, or licensure to the Department.

D. It is recommended that each designer actively engaged in soils evaluation and the design of on-site sewage systems obtain a minimum of five (5) hours of classroom (training) time per calendar year in subject matter directly related to on-site sewage treatment and disposal. The LA shall maintain records of continuing education by request provided that proof of attendance is submitted to the LA no later than sixty (60) days after the attendance of the training session.

E. The designer shall be responsible for submitting the following to the LA:

(1) Required data necessary for site evaluation;

(2) A design and drawing to scale of the OSS best suited to the particular site for which application is made; and

(3) Certification of OSS inspection.

700-220 COMMERCIAL INSTALLERS

A. It shall be unlawful for any person to engage in the business of installing, modifying, and/or repairing on-site sewage systems in Sutter County unless that person possesses a California Contractor's license of type A, C-36, C-42, or B (a B license is allowed only if the contractor meets the conditions of Section 7057(b) of the California Business & Professions Code).

B. An owner of record may personally construct, install or repair a conventional on-site sewage system for his/her own single family residence, provided he/she constructs no more than one system in any one calendar year, and gains prior approval from the LA. An owner of record may not personally install a pressure distribution system or an alternative system unless he/she meets the requirements of Section 700-220-A.

C. It is recommended that each commercial installer actively engaged in the installation, repair, or modification of on-site sewage systems obtain a minimum of five (5) hours of classroom (training) time per calendar year in subject matter directly related to on-site sewage treatment and disposal. The LA shall maintain records of continuing education by request provided that proof of attendance is submitted to the LA no later than sixty (60) days after the attendance of the training session.

D. A commercial installer shall:

(1) Follow the approved design;

(2) Have the approved design and permit in his/her possession during installation;

(3) Only install septic tanks, pump tanks, and holding tanks approved by the Department;

(4) Maintain direct supervision and control of the OSS construction;

(5) Install the OSS in accordance with Section 700-150 of this Ordinance and Manual;

(6) Leave the OSS uncovered until final inspection and approval by the LA; and

(7) Cover the installation pursuant to the requirements of Section 700-150-L after the LA has given approval to cover.

700-230 SEPTIC TANK PUMPERS

A. It shall be unlawful for any person to pump any septic tank, pump tank, holding tank, chemical toilet, or other means of on-site sewage disposal without first obtaining registration from the LA.

B. Only sites with a valid discharge permit from the RWQCB shall be used for dumping of septage.

C. An applicant for registration as a septic tank pumper must furnish his/her equipment for inspection by the LA prior to the issuance or renewal of registration. The equipment must meet the following minimum requirements:

(1) All equipment must be in good repair and easily cleanable. No pockets where debris can accumulate will be allowed;

(2) Truck equipment must be designed to adequately control effluent disposal from the truck into receiving stations;

(3) The tank discharge valve must be capped and the cap chained to the truck;

(4) A fifty (50) foot, ¾ inch diameter hose and disinfectant material must accompany the truck for sanitary cleanup;

(5) A sighting gauge must be installed on the exterior of the tank and must be calibrated to measure capacity to the quarter tank; and

(6) The name of the operating firm, phone number, and tank capacity shall be conspicuously displayed on both sides of the truck or on the rear of the tank in bold letters not less than four (4) inches high.

(7) The vehicle will be stored in an appropriately zoned area.

(8) The sewage shall be disposed of at the Yuba City Wastewater Treatment Plant or

other locations approved by the LA after an assessment of the proposed location for septage, the volume of septage anticipated, and whether adequate capacity is available.

D. Septic tank pumper registration expires on December 31st of each year. This registration is renewable if the registrant continues to meet the requirements of this Ordinance.

E. Septic tank pumpers shall submit the following minimum information in writing on forms provided by the LA no later than the tenth of each calendar month for the previous month:

(1) Gallons pumped according to location and site address;

(2) Date of pumping, type of waste, and reason for pumping, if applicable; and

(3) Gallons disposed of at each authorized dumping site.

F. Any septic tank pumper registration issued pursuant to this Ordinance may be suspended or revoked by the LA for incompetence, negligence, misrepresentation, or failure to comply with the requirements of this Ordinance on the part of the septic tank pumper.

700-240 OPERATION AND MAINTENANCE

A. The owner of record is responsible for properly operating and maintaining the OSS, and shall:

(1) Employ a registered septic tank pumper to remove septage from the tank when the level of solids and scum indicates that removal is necessary;

(2) Protect the OSS and the replacement area from:

(a) Cover by impervious material or additional overburden;

(b) Surface or stormwater drainage;

(c) Soil compaction by vehicular or animal traffic; and

(d) Damage by soil removal and grade alteration;

(3) Keep the quantity and waste strength of sewage entering the OSS at or below the approved design; and

(4) Operate and maintain alternative systems as directed by the LA.

B. The LA shall provide operation and maintenance information to the owner of record upon approval of any new installation, repair, or modification of a conventional OSS.

C. The Administrative Officer, in consultation with the Health Officer, shall develop and implement plans to:

Monitor all OSS performance within areas of special concern; Initiate periodic monitoring of each non-residential and residential systems utilizing supplemental treatment OSS no later than January 1, 2020, to ensure that each owner of record properly maintains and operates an OSS in accordance with this Ordinance and Manual in accordance with other applicable operation and maintenance requirements; and disseminate relevant operation and maintenance information to the OSS owner of record;

D. Persons shall not:

(1) Use or introduce strong bases, acids, or chlorinated organic solvents into an OSS for the purpose of system cleaning;

(2) Use a sewage system additive unless it is approved by the Department; or

(3) Use an OSS to dispose of waste components atypical of residential sewage.

700-250 TECHNICAL ADVISORY COMMITTEE

A. A technical advisory committee shall be established to review and recommend revisions to adopted technical standards in response to changes in regulation and/or technology.

B. The technical advisory committee shall review the technical standards documents at a minimum frequency of once every three (3) years and submit any recommended changes to the Department.

C. The Technical Advisory Committee shall be appointed by the Administrative Officer based on experience, training, and knowledge of on-site sewage system technology; and

D. The Technical Advisory Committee shall be comprised of the Health Officer, and authorized professionals and commercial installers as appointed by the Administrative Officer.

700-260 ADMINISTRATIVE HEARINGS

A. This Section only applies to:

(1) The processing of applications for permits;

(2) The issuance of permits;

(3) The suspension of permits;

(4) The revocation of permits; and

(5) The issuance of stop work orders.

B. Notwithstanding Section 700-260-A, any action which is taken that requires a valid permit when no such permit has been issued, or when the permit has expired, or when the permit is suspended or revoked, is subject to the sanctions listed in Section 700-270. In addition, any violation of a stop work order is subject to the sanctions listed in Section 700-270.

C. A person aggrieved by any action taken by the LA pertaining to the activities listed in Section 700-260-A may request an administrative hearing before the Environmental Health Appeals Board. Such request shall be filed in writing with the Department within twenty (20) working days of the date of the action being challenged. Upon receipt of such requests, the Appeals Board shall notify the person aggrieved of the time and place of such hearing, which shall be set not less than ten (10) working days nor more than twenty (20) working days from the date the request was received, unless a later date is agreed to in writing by the person aggrieved. The Health Officer shall, if possible, set the hearing at a mutually convenient time.

D. The administrative hearing delineated in Section 700-260-C shall be conducted in an informal manner. All relevant evidence is admissible and the strict rules of evidence shall not apply. The person aggrieved may be represented by a lawyer.

E. The Appeals Board shall determine whether the explanation of the events by the person aggrieved justifies modifying or reversing the initial decision. The decision of the Appeals Board to affirm, reverse, or modify the initial decision shall be in writing and shall be issued within twenty (20) working days after the close of the hearing. The decision shall be accompanied by written findings of fact and shall be promptly sent to the person aggrieved.

700-270 VIOLATIONS

A. Any person who violates any of the provisions of this Ordinance or fails to comply with any of its requirements is guilty of a misdemeanor, and each day or portion thereof during which a violation is committed, continued, or not permitted shall constitute a separate offense. The penalty for each violation is a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than ninety (90) days, or both.

B. Any disposition of a violation pursuant to this Ordinance shall not absolve a person from correcting or abating a violation and shall not prevent the prosecuting authority from pursuing criminal prosecution, other civil action including, but not limited to, injunctive relief, registration revocation, and abatement, or all of the above. If the Board of Supervisors prevails in a separate civil action, the Court may award the Board of Supervisors reasonable costs including, but not limited to, the costs of the responsible officials' time, witness fees, attorney fees, court costs, and the costs to the Board of Supervisors of abatement or of enforcement of an injunction, or both.

C. Nothing contained in this Ordinance shall prevent the Administrative Officer, by and through the prosecuting authority, from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

700-280 WAIVER OF REGULATIONS

A. For individual, site-by-site waiver requests, the LA may grant a waiver from specific requirements in this Ordinance for OSS if:

(1) The applicant submits a waiver application to the LA which justifies how the requested waiver is consistent with the purpose of this Ordinance; and

(2) The LA determines that the waiver is consistent with the purpose and intent of this Ordinance and would not result in a violation of mandatory state laws and regulations.

B. A person aggrieved by a decision of the LA pertaining to a waiver request may appeal the decision to the Environmental Health Appeals Board. The Appeals Board shall process waiver applications according to the procedural rules delineated in Section 700-260.

C. If an applicant desires to modify and resubmit a previously denied waiver request, the process described in Section 700-280-A shall be followed again.

D. The Health Officer may grant special permits allowing for variances from the provisions of this Ordinance in the case of natural disasters (i.e. fires, floods) and/or unnecessary hardships provided that:

(1) An expansion of the original structure does not occur; and

(2) The special permit does not create a potential health hazard and is consistent with the purpose of this Ordinance.

700-290 USE OF BUILDINGS

It shall be unlawful to maintain or use any residence, place of business, or other building or place where persons reside, congregate, or are employed which is not provided with a means for sanitary disposal of all garbage, rubbish, putrescible wastes, or other offensive or nauseous substances.

SECTION 2: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3: This ordinance shall take effect thirty (30) days after the date of its adoption, and before the expiration of fifteen (15) days from the date of passage thereof shall be published at least

once in the Appeal Democrat, a newspaper of general circulation, together with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED this 28th day of March, 2017, by the Sutter County Board of Supervisors, State of California, by the following vote:

AYES: Supervisors Sullenger, Flores, Munger, Whiteaker and Conant

NOES: None

ABSENT: None

JIM WHITEAKER, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:
DONNA M. JOHNSTON, CLERK

By: Alicia Reaves
Deputy

BOARD OF SUPERVISORS SUTTER CO., CA

FILED
MAR 27 2017
BOARD OF SUPERVISORS
DONNA M. JOHNSTON
Clerk of the Board
By Alicia Reaves Deputy