

7-0-15 FEES AND PENALTIES FOR SEPTIC VIOLATIONS

PURPOSE

To provide consistent determination of investigation and penalty fees as they apply to septic system violations. The scope of this policy is limited to the application of penalties in conjunction with the issuance of septic permits.

GENERAL

Penalty fees may apply to construction, replacement, modification, repair of a septic system without permit, or an unpaid or invalid septic operational permit.

Once Permit Sonoma determines that unpermitted septic system work was performed or a septic system is failing, adequate notification to the property owner is required. For the purpose of this policy, a Notice & Order is adequate notification. However, a written notice or letter produced by Permit Sonoma and provided to the property owner may be considered adequate notification as determined by Permit Sonoma's supervisory or management staff. A reasonable period shall be given to allow the property owner to obtain the appropriate septic permit and complete the work necessary to adequately repair or replace the failing septic system.

Enforcement staff shall treat failing septic systems in the same manner as substandard housing regarding the imposition of penalties. If a septic permit application is submitted within 30 days of sending a Notice & Order, no penalty fees will apply. If the owner delays response beyond 30 days, all applicable permitting fees and penalties will apply. The imposition of penalties may be delayed if the applicant can demonstrate a reasonable justification why a permit application could not be submitted within 30 days in accordance with Sonoma County Code Section 1-7.1(d). Reasonable justifications include, but are not limited to, necessary completion of site evaluation work or delay to accommodate the schedule of a licensed professional.

For residential properties, the owner shall be allowed to pump the failing system until a repair system is installed. For commercial properties, the property owner or tenant may be allowed to pump the failing system at the discretion of Permit Sonoma. Issues such as the availability of public restrooms, hand washing facilities, and use as a food facility must be taken into consideration for commercial properties.

AUTHORITY

Sonoma County Code Section 1-7.1
California Building Code Section 114.4

PROCEDURE

Civil penalties, as outlined and adopted by the Sonoma County Board of Supervisors, shall be applied when a Notice & Order has been sent for a septic violation. Penalties shall be calculated by determining a permit fee multiplier multiplied by the following permit fees or as a daily penalty at the discretion of the enforcing officer:

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Penalties assessed on permits issued within 30 days to abate unpermitted septic system work where a Notice & Order has been sent shall be calculated using applicable Permit Sonoma septic permit fees from the current adopted fee schedule.

- A. For septic system permits where a Notice & Order has been sent and the owner has submitted a septic permit application within 30 days, penalties shall not be imposed.
- B. For septic system permits where a Notice & Order has been sent for a failing septic system and the owner has not either vacated the structure or submitted a septic repair permit application (as needed) within 30 days, a daily penalty shall be assessed applied at the discretion of the enforcing officer.
- C. If the responsible party (owner or tenant) fails to correct the violation resulting in an administrative abatement hearing, any penalty as allowed under Sonoma County Code Section 1-7.1 may be imposed.

ATTACHMENTS

None

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