

Investigation 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 permits. This policy supersedes the memo dated September 26, 1995, authored by Rich Holmer.

GENERAL

There are two classes of septic work to which penalty fees may apply, construction without permit or repair of a failing septic system. New systems are divided into Standard and Non-Standard systems.

It is assumed that all septic systems will fail at some point. Therefore once PRMD determines a system is failing, adequate notification to the property owner is required. For the purpose of this policy, a Notice of Violation or Notice and Order is adequate notification. However, a written notice or letter produced by PRMD and provided to the property owner may be considered adequate notification as determined by PRMD supervisory or management staff. A reasonable period shall be given to allow the property owner to obtain a repair permit and complete repair work. Enforcement staff shall treat failing septic systems in the same manner as sub-standard housing regarding the imposition of penalties. If a repair permit is submitted within 30 days of sending a Notice of Violation or Notice and Order, only investigation fees apply. If the owner delays response beyond 30 days, both investigation and penalties will apply. The imposition of penalties may be extended if the applicant can demonstrate a reasonable justification why a permit application could not be submitted within 30 days in accordance with Section 1-7.1 (d) Sonoma County Code. Reasonable justifications include, but are not limited, to ground water studies 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 PRMD. 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

Section 1-7.1 Sonoma County Code
Section 103.4.4 California Building Code

ATTACHMENTS

Penalty Calculation Sheet
Penalty Schedule

PROCEDURE

Investigation fees as outlined in the latest adoption of the California Plumbing Code shall be applied when a Notice of Violation has been sent. Penalties shall be calculated by determining a permit fee multiplier using the Penalty Calculation Sheet multiplied by the following permit or review fees:

A. Construction without permit.

1. For standard septic systems constructed without permit, penalties shall be computed using Permits Plus Fee Item 0371 for a Standard System Septic permit.
2. For non-standard septic systems constructed without permit, penalties shall be computed using Permits Plus Fee Item 0556 for a Non-Standard Septic System permit.

B. Repair permits for failing septic systems.

1. For septic system repair or tank destruction permits where the property owner has voluntarily submitted a repair permit and no investigation has been conducted, the permit may be issued without investigation fee or penalty.
2. For septic system repair or tank destruction permits where a Notice of Violation has been sent and the owner has submitted a septic repair permit within 30 days, penalties shall not be imposed.
3. For septic system repair or tank destruction permits where PRMD has received a complaint, a Notice of Violation has been sent and the owner has not submitted for a permit within 30 days, penalties shall be calculated using Permits Plus Fee Item 0371 for a Standard System Septic permit, Fee Item 0359 for a Non-Standard System or Fee Item 0375 for a Tank Destruct permit.

C. If the responsible party (owner or tenant) fails to correct the violation resulting in an administrative abatement hearing, any penalty as allowed under Section 1-7.1 of the Sonoma County Code may be imposed.

Approved by:

/s/ Pete Parkinson

Pete Parkinson, Director

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