

## **ARTICLE V. ENFORCEMENT, PENALTIES AND APPEALS**

### **Sec. 27-500. Enforcement and Penalties**

(a) In Any person guilty of a violation of these standards shall be liable for such costs, expenses and disbursements paid or incurred by the County in abatement and prosecution of the violation.

(b) It is unlawful and constitutes a misdemeanor for any person to violate or fail to comply with any provision of this chapter. A misdemeanor shall be punishable by a fine not exceeding one thousand dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

(c) Each person is guilty of a separate offense each and every day during any portion of which any violation of any provision of the ordinances of the County is committed, continued or permitted by any such person.

(d) In addition to any other remedy, violation of any of the provisions of this Chapter may be remedied by injunction or other civil proceedings.

(e) All remedies listed in this Chapter, including permit revocation, shall be cumulative and not exclusive.

### **Sec. 27-510. Violation notices and orders**

The Environmental Health Services Division shall issue a violation notice to any owner and or operator that is not in compliance with these standards. The notice shall include the violation(s) found and a date for corrective action to be completed. Failure to comply with the notice will result in the issuance of a final notice and order to comply. The final notice and order shall include the violation(s) found, the specific corrective action required, the date by which the corrective action must be completed, and the right to request an appeal to the Director of Resource Management within 10 days of receipt of the notice. Failure to request a hearing within the specified time frame waives such right.

### **Sec. 27-520. Administrative hearing proceedings**

Upon receipt of a written request for an appeal, the Director of Resource Management shall schedule the appeal for hearing and provide written notice of such hearing to the appellant. The Director of Resource Management or his/her designee shall serve as the administrative hearing officer. At the time and date specified on the notice, the administrative officer shall hear the violations charged against the owner and or operator of a Large Confined Animal Facility. The administrative officer will review the evidence and determine the validity of the violations and determine the appropriate remedy to enforce previous orders. A written decision including a statement regarding the right to appeal to the Board of Supervisors will be mailed to the appellant within 15 business days of the hearing.

**Sec. 27-530. Permit Revocation**

Failure to comply with the remedy, as ordered by the administrative officer, may result in the revocation of the Large Confined Animal Facility operational permit, under the following conditions:

(a) The Division of Environmental Health Services Division shall issue notice of intention to revoke the permit, which shall contain notice of the owner or operator's right to request a hearing in front of the Director of Resource Management or his/her designee.

(b) If the owner or operator does not request a hearing within 10 days of receipt of the notice, the Division of Environmental Health Services Division may revoke the permit without a hearing or it may hold a hearing prior to such revocation.

**Sec. 27-540. Appeal process**

Any person affected by a decision of the Director of Resource Management may appeal said decision to the Solano County Board of Supervisors.

**Sec. 27-550. Submission of appeal**

All appeals must be submitted in writing to the Environmental Health Services Division within ten (10) days of the decision. The appeal shall contain reasons and pertinent documentation why the appellant believes the decision to be unwarranted. Failure to submit a written appeal within ten days of the date of the decision shall waive the appellant's right to appeal. The required filing fee, if any, shall also accompany appeals.

**Sec. 27-560. Notice of appeal hearing**

The appellant shall be given notice as to the time, date, and location of the hearing. The notice shall be delivered by certified United States Mail and be postmarked at least ten days prior to the date of the hearing. When appeals are to the Board of Supervisors, the Clerk of the Board shall set the time and place of the hearing and give notice to the appellant and the Manager. Notice for other appeal hearings shall be given by the Environmental Health Services Division.

**Sec. 27-570. Enforcement without hearing**

Whenever an owner or operator does not request a timely appeal to the decision of the Director of Resource Management or the Board of Supervisors, the Environmental Health Services Division may take appropriate enforcement action without a hearing.

(Ord. No. 1662, §1)

(Ord. No. 1436, §1: Chapter 27 of the Solano County Code, entitled "Water" is hereby repealed in its entirety.)