

**DIVISION 11: INFRASTRUCTURE STANDARDS
AND REQUIREMENTS**

CHAPTER 9-1100

**INFRASTRUCTURE STANDARDS: INTENT AND
ORGANIZATION**

Sections:

9-1100.1	Title and Intent.
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9-1100.1 TITLE AND INTENT.

Division 11 constitutes the Infrastructure Standards and Requirements. The intent of this Division is to ensure the provision of adequate infrastructure for new uses of property, expansion of existing uses, and replacement of previous uses of property, consistent with the General Plan.

(Ord. 3675)

9-1100.2 ORGANIZATION.

Division 11 consists of the following chapters:

- (a) 9-1100 Infrastructure Standards: Intent and Organization;
- (b) 9-1105 Wastewater Disposal;
- (c) 9-1110 Private On-Site Wastewater Disposal Facilities Regulations;
- (d) 9-1115 Water Well and Well Drilling Regulations;
- (e) 9-1120 Water Systems;
- (f) 9-1125 Water Quality Regulations;
- (g) 9-1135 Storm Drainage;
- (h) 9-1145 Encroachment Standards;
- (i) 9-1150 Roadways; and
- (j) 9-1155 Underground Utilities.

(Ord. 3675)

9-1100.3 GENERAL REQUIREMENTS.

The following General Requirements shall apply to all development projects and to all building projects for which a building permit is required unless otherwise exempted by this Title.

(a) **Public Improvements.** The developer or subdivider shall grade and improve, or agree to grade and improve, all land dedicated or to be dedicated for public improvements. Improvements and grading shall be designed and constructed to provide for the use of the properties affected and for the public safety and welfare. Design and construction of said grading and improvements shall conform to the approved tentative map or approved development project and the design standards of the agency providing service. The County may require the developer or subdivider to pay an in-lieu fee in the amount of the cost of improvements to construct the required improvements as part of a County construction contract. Unless otherwise specified, all public improvements must be dedicated to the public agency responsible for their maintenance and operation.

(b) **Minimum Requirements.** The provisions of this Division shall be considered minimum requirements. In all cases, the improvements must be determined to be adequate by the County and to be compatible with the site on which the project is, or is proposed to be, located.

(c) **Geographical Areas.** The specific geographical area in which a development project is located shall provide the basis for determining which types of infrastructure will be required. Specific geographical areas include urban communities, rural communities, and the following areas outside of communities: Industrial Areas, Freeway Service Areas, Commercial Recreation Areas, and Agricultural Areas. These geographical areas shall be those shown on the County General Plan Map. In cases where boundary interpretations are required, said boundary interpretations shall be made by the Director.

(d) **Infrastructure Service Provided by Noncounty Agency.**

(1) **Development Project Application Requirements.** Applications for development projects or zone reclassifications shall be accepted only if the developer provides a written statement to the County from the agency expected to provide any required service that the agency will serve the proposed development project and has, or will have, the capacity to provide such service at the time of development.

(2) **Building Permits.** Building permits shall be issued only if the developer provides written confirmation from each agency providing service that the agency has authorized service to the project.

(e) **Completion of Improvements.**

(1) **Major and Minor Subdivisions.**

(A) **Improvements Prior to Approval of Map.** Unless otherwise specified, the following improvements required by this Division shall be completed prior to approval of a final map or parcel map:

(i) Where the subdivision requires water service from a public water system requiring a new well, the results of the test well must be determined by the Department of Public Works and the Environmental Health Division to be adequate to comply with the requirements of Title 22 of the California Code of Regulations and the Uniform Fire Code;

(ii) Unless otherwise specified, all other improvements required by this Division, or as a condition of approval, shall be completed to the satisfaction of the responsible department or agency, or be included in a subdivision improvement agreement, per Subsection (j), prior to approval of a final map or a parcel map.

(B) Improvements Prior to Issuance of a Building Permit. Unless otherwise specified, the following improvements shall be completed to the satisfaction of the responsible department or agency prior to the issuance of a building permit:

(i) Where served by a public water system, that system shall be operational and provide adequate water quantity and pressure for fire protection;

(ii) Where served by a public water system, that system shall comply with the requirements of Title 22 of the California Code of Regulations; and

(iii) Roads and driveways shall be constructed to meet the minimum requirements of the Uniform Fire Code, and drainage facilities required to insure access shall be approved by Public Works.

(C) Improvements Prior to Final Inspection. Unless otherwise specified, all improvements required by this Division, or as a condition of approval, shall be completed to the satisfaction of the responsible department or agency prior to the issuance of a Certificate of Occupancy or approval of a final building inspection.

(2) Other development projects or building permits:

(A) Improvements Prior to Issuance of a Building Permit. Unless otherwise specified, the following improvements shall be completed to the satisfaction of the responsible department or agency prior to the issuance of a building permit:

(i) Where served by a public water system, that system shall be operational and provide adequate water quantity and pressure for fire protection;

(ii) Where served by a public water system, that system shall comply with the requirements of Title 22 of the California Code of Regulations;

(iii) Roads in antiquated subdivisions proposed to be improved to public road standards shall be completed to the satisfaction of the Department

of Public Works, or be included in a deferred improvement agreement per Subsection (j); and

(iv) Roads and driveways shall be constructed to meet the minimum requirements of the Uniform Fire Code, and drainage facilities required to insure access shall be approved by Public Works.

(B) Improvement Prior to Final Inspection. Unless otherwise specified, all improvements required by this Division, or as a condition of approval, shall be completed to the satisfaction of the responsible department or agency prior to the issuance of a Certificate of Occupancy or approval of a final building inspection.

(f) **Irrevocable Offer of Dedication.** Applications for Major or Minor Subdivisions shall be accepted only if the applicant provides, at applicant's cost for processing by San Joaquin County, an irrevocable offer of dedication from an adjacent or other property owner(s), if such irrevocable offer of dedication is deemed necessary by the Department of Public Works.

(g) **Special Purpose Plan Requirement for Wastewater Disposal, Water, or Drainage System.** A Special Purpose Plan is required as part of an application for a development project that requires establishment of a new public wastewater disposal, water, or drainage system for the geographical areas to be ultimately served by such a system. The cost to prepare a Special Purpose Plan may be included in an area of benefit if one is established for that system. If the development project is included in an existing Specific Plan or Special Purpose Plan, the County may require that the Plan be updated or amended if the development project is proposing a significant change not accounted for in the Plan.

(h) **Supplemental System Improvements.** The Review Authority may require system improvements above those necessary for the proposed development project for the benefit of property not included in the development project when such improvements are deemed necessary for the proper development of an area. Upon completion and written acceptance of the improvements, said improvements shall be deemed dedicated to the agency responsible for their maintenance and operation. The requirement for supplemental system improvements shall be imposed in accordance with the provisions of Section 66485 through Section 66489 of the Government Code. The criteria to be applied in determining whether supplemental system improvements are to be required shall include, but are not limited to, the following:

(1) Size, type, or location of the proposed development project;

(2) Capacity of the subject system;

(3) Undeveloped acreage within the service area of the agency;

(4) Projected service demand within the service area of the agency; and

(5) Planned land uses within the service area of the agency and within the General Plan geographic area.

An area of benefit, or other financing mechanism may be established to defray the cost of the supplemental system improvements.

(i) **Improvement Plans for Public Improvements.** Improvement Plans are required for construction of any required public improvements. Plans shall consist of drawings, details, and specifications sufficient to describe the construction of the improvements. Plans must be prepared by a Registered Professional Engineer. Improvement Plans shall be submitted for review and approved by the agency providing the service prior to approval by the Department of Public Works and to construction of the improvement. All Public Improvement Plans shall be approved by the Director of Public Works prior to submitting any subdivision map for acceptance by the Board. All Public Improvement Plans shall be approved by the Director of Public Works prior to construction of any subdivision improvements, or prior to issuance of any building permit for other development projects.

(j) **Guarantees Provided by Developers Relative to Improvements.**

(1) **Subdivision Improvement Agreement.** If any improvements are required as a condition to the approval of a final map or parcel map, unless the improvements are constructed and accepted prior to approval of the final map or parcel map, a subdivision improvement agreement shall be executed between the developer and the County guaranteeing construction of the improvements within a specified period of time.

(2) **Improvement Participation Agreement.** If the Director of Public Works allows any required infrastructure improvements to be deferred to a specific date, as determined by the Director, a deferred improvement participation agreement shall be executed between the developer and the County guaranteeing construction of said improvements. The agreement shall be secured in accordance with Section 9-1100.3(j)(3) herein.

(3) **Agreement Security.** Any agreements to install improvements shall be secured in accordance with the provisions of Section 66499 of the Subdivision Map Act. The amount of the security shall be based on a construction cost estimate prepared by the developer's engineer and approved by the Director of Public Works. Unit costs shall be determined by the Director of Public Works, based on costs for similar work on County Public

Works projects. Security for improvements required by this Division shall be provided as follows:

(A) **Faithful Performance Bonds.** Where improvements are required by the provisions of this Division, the subdivider shall provide a faithful performance bond guaranteeing the faithful performance of all work, excluding work to be performed by public utilities, in a sum equal to one hundred percent (100%) of the estimated cost of such work as provided in Sections 66499 and 66499.1 of the Subdivision Map Act. The subdivider shall also guarantee labor and materials in an amount equal to fifty percent (50%) of the faithful performance bond as provided in Section 66499.3 of the Subdivision Map Act. This sum shall include any other fees which may be required by the Department of Public Works.

(B) **Bonds by Surety Companies.** All tax bonds for special assessments as required by California Government Code Section 66493 and all faithful performance bonds referred to in this Section shall be furnished by a surety company authorized to write the same in the State of California and shall be subject to the approval and acceptance of the Board. The form and contents of the bond shall comply with the applicable provisions of California Government Code Sections 66499.1 through 66499.5

(C) **Money or Securities.** In lieu of any faithful performance bond or tax bond required by this Section, the subdivider may furnish the type of security as provided in California Government Code Section 66499, subject to approval of the Board.

(D) **Forfeiture or Failure to Complete.** Upon the failure of a subdivider to complete any improvement within the time specified in an agreement or extension thereof, the Board may, upon notice in writing of not less than twenty (20) days served by registered mail, addressed to the last known address of the person, firm, or corporation signing such contract, determine that said improvement work or any part thereof is uncompleted and may cause to be forfeited to the County or Flood Control District such portion of said sum of money or bonds given for the faithful performance of said work as may be necessary to complete such work.

(k) **Payment for Fees Related to Areas of Benefit.** In the event that the Board of Supervisors has established an Area of Benefit, the subdivider or developer within said Area of Benefit shall pay to the County the proportionate share of the costs established under the Area of Benefit established by ordinance and an administrative fee as set forth in the adopting Ordinance prior to the approval of any final map or parcel map, or prior to the

issuance of any building permit for any other development project.
(Ord. 3675, 3739)

9-1100.4 SERVICE BY AN EXISTING AGENCY.

Whenever the County requires a proposed development project to be served by an existing agency and the proposed development project lies outside of the service area of the agency and the agency requires the proposed development project be annexed before providing the required service, the annexation shall be completed prior to issuance of a building permit or approval of any final map or parcel map, whichever occurs first.
(Ord. 3675)

9-1100.5 FORMATION OF A SPECIAL DISTRICT.

When the County has determined that a new district is needed to provide service, the developer shall file an application for district formation with the Local Agency Formation Commission. The County shall not approve any development that requires the formation of additional districts where an existing Agency is already providing the service.

(a) **County Service Area.** The new district shall be a County Service Area or other such similar district and shall be formed prior to the approval of the final map or parcel map, or prior to the issuance of any building permit for other development projects.

(b) **Infrastructure Maintenance and Operation.** The County Service Area or similar district shall provide for the maintenance and operation of the infrastructure, and shall include all of the area proposed for the development project.
(Ord. 3675)

9-1100.6 AREAS OF BENEFIT.

The Board of Supervisors may establish an Area of Benefit and collect fees for the construction of drainage and sewage disposal facilities pursuant to Section 66483 of the Subdivision Map Act; or establish an Area of Benefit and collect fees for the construction of bridges or major thoroughfares pursuant to Section 66484; or establish an Area of Benefit and collect fees for other improvements, including water facilities, deemed necessary by the County in accordance with the procedures specified in Section 66483. The fees shall include the cost of engineering and the cost of establishing the Area of Benefit in addition to the actual cost of facilities.
(Ord. 3675)

9-1100.7 ACCEPTANCE AND MAINTENANCE OF PUBLIC FACILITIES.

For those public facilities to be operated and maintained by a County agency, the County will not accept the responsibility of maintenance of public improvements until final completion and acceptance of all items. For those public facilities to be operated and maintained by other public agencies, those agencies must approve the improvements to be operated and maintained by them as required by Section 9-1100.3(e). If a new Service Area or District is required to serve the development project, the new Service Area or District must be formed and accept the facilities for maintenance as required by Section 9-1100.3(e). Acceptance by the County will be by the Board of Supervisors upon recommendation from the Director of Public Works.
(Ord. 3675)

9-1100.8 EASEMENTS.

Easements for facilities outside of public rights-of-way must be granted to the County when the County deems it necessary for proper operation and maintenance of the public facilities. The easements are to be deeded for the purpose of access, operation, repair, replacement, alteration, and maintenance. All development projects which have publicly owned easements must provide covenants running with the land stating that no buildings, fills, excavations, structures, fences, or other alterations will be constructed within the publicly owned easement without the express written consent of the Director of Public Works.
(Ord. 3675)

9-1100.9 OFF-SITE RIGHTS-OF-WAY.

Where it is necessary, as determined by the County, to extend improvements beyond the boundaries of the development project for adequate traffic, drainage, flood control, or water and sewer service needs, the developer shall be required to acquire and dedicate, or submit verification of the ability to acquire and dedicate, to the County the necessary easement or right-of-way to accommodate such improvements prior to the approval of a development project application.
(Ord. 3675, 3715)

CHAPTER 9-1105

WASTEWATER DISPOSAL

Sections:

9-1105.1	Intent.
9-1105.2	General Requirements.
9-1105.3	Urban Communities.
9-1105.4	Rural Communities.
9-1105.5	Industrial Areas Outside of Urban Communities.
9-1105.6	Warehouse Industrial and Truck Terminal Zoning Districts.
9-1105.7	Freeway Service Areas Outside of Urban Communities.
9-1105.8	Commercial Recreation Areas Outside of Urban Communities.
9-1105.9	Agricultural Areas.
9-1105.10	Agriculture-Urban Reserve Zoning District.
9-1105.11	Subdivision of Existing Developed Properties.
9-1105.12	Antiquated Subdivisions.
9-1105.13	Expansion Capability of Wastewater Treatment.

9-1105.1 INTENT.

The intent of this Chapter is to specify the requirements for wastewater service and wastewater disposal for development projects.

(Ord. 3675, 3756)

9-1105.2 GENERAL REQUIREMENTS.

The following general requirements for wastewater disposal shall apply to all development projects, unless otherwise specified in this Title:

(a) **Compliance with Environmental Health Division and Agency Requirements.** Private on-site wastewater disposal shall comply with the requirements in Chapter 9-1110 and the Environmental Health Division. Any public wastewater disposal system shall comply with the requirements of the Public Works Department, the Environmental Health Division, or the agency providing wastewater disposal services.

(b) **Wastewater Service by Agency.** Development projects requiring wastewater service by a public agency shall be served by a public wastewater disposal system and wastewater treatment plant.

(c) **Written Confirmation for Building Permits.** Applications for building permits shall include written confirmation that the development project meets the requirements of this chapter. For public systems, this

confirmation shall be given by the agency providing the services. For on-site systems, this confirmation shall be given by the Environmental Health Division.

(d) **Suitability of an Area for Septic Tank Usage.** The suitability of an area proposed for septic tank usage shall be determined prior to submission of a General Plan Amendment or Zone Reclassification application, the approval of a parcel or final map, or the issuance of a building permit for other development project applications. The suitability shall be determined by the Environmental Health Division in accordance with the following criteria:

(1) The intensity and extent of the existing and the proposed development project's use of septic tanks within and around the area;

(2) The suitability of the soil for utilizing septic systems, including percolation rates and soil profiles;

(3) The depth and gradient of the water table;

(4) The history of past uses in the project area to assess potential problems;

(5) Other information as required by the Environmental Health Division to determine the cumulative effect of the existing and the proposed development project on groundwater contamination; and

(6) In non-agricultural zones, septic systems will only be considered for parcels two (2) acres or more in size, except in areas zoned Rural Residential, where parcels one (1) acre or more in size will be considered if served by a public water system and public storm drainage system. Other requirements of this Chapter must still be met.

(e) **Mandatory Connection Within Two Hundred Feet.** Any expansion of an existing use on an existing parcel shall require the project to be served by a public wastewater disposal system if:

(1) The expanded use generates additional wastewater, and

(2) The sewer main is within two hundred feet (200') of the nearest building.

(3) Exceptions may be granted if the project site meets the requirement for on-site wastewater disposal specified in Section 9-1105.2(d), and:

(A) The Director of Public Works determines that the existing system has no capacity;

(B) The Parcel cannot be annexed to the existing sewer district; or

(C) The parcel is outside of a County maintained sewer district where no health hazard exists.

(f) **Extension of Sewer Main.** When the Director of Public Works determines that extension of the sewer main through a project or along a project parcel frontage

is necessary for the orderly provision of wastewater disposal service to an area, the developer shall extend the sewer main in accordance with the serving agency's design standards.

(g) **Capacity of Existing Wastewater Disposal System.** If the existing wastewater disposal system is required to serve a development project, but does not have capacity to serve a development project, the developer shall provide for additional capacity either by constructing off-site wastewater disposal system facilities or contributing funds to the serving agency for system expansion. The serving agency shall determine which option is appropriate.

(h) **Development Projects Using Existing Structures.** Development projects using existing structures only and adding no new structures shall be served by a public wastewater disposal system if there is an existing sewer main within two hundred feet (200') of the nearest property line. Otherwise, on-site wastewater disposal may be utilized subject to the provisions of this section.

(i) **Parcels Not Served by Public Wastewater Treatment Plant.** On parcels not served by a public wastewater treatment plant, any commercial or industrial development on an existing lot shall require Site Approval, or a Use Permit as required by other sections of this Title.

(Ord. 3675, 3715, 3756, 3821)

9-1105.3 URBAN COMMUNITIES.

Within those urban communities identified in the General Plan, required public wastewater disposal systems shall be provided by an existing public agency or, where there is no public agency providing wastewater disposal services in the community, by a new agency.

(a) **Subdivisions.** Subdivisions shall be served by a public wastewater disposal system, except that subdivisions within a Rural Residential General Plan map designation and commercial subdivisions if adjacent to Rural Residential General Plan map designations may use on-site wastewater disposal subject to the provisions of Section 9-1105.2.

(b) **Development Projects on Existing Vacant Parcels.** Development projects on existing vacant parcels shall be served by a public wastewater disposal system. Exceptions for parcels over two (2) acres in size, and for parcels less than two (2) acres in size where the waste discharge will be limited to domestic waste only, may be granted subject to the provisions of Section 9-1105.2. No reduction in size for public water systems or public drainage systems shall be allowed.

(c) **Areas Zoned Agriculture-Urban Reserve.** For those areas zoned Agriculture-Urban Reserve, the require-

ments for wastewater disposal shall be the requirements in Section 9-1105.10.

(Ord. 3675, 3756, 3788)

9-1105.4 RURAL COMMUNITIES.

Within those rural communities identified in the General Plan, wastewater disposal may be provided by on-site wastewater disposal subject to the provisions of Section 9-1105.2. Otherwise, the development project shall be served by a public wastewater disposal system.

(Ord. 3675)

9-1105.5 INDUSTRIAL AREAS OUTSIDE OF URBAN COMMUNITIES.

Development projects within industrial areas identified in the General Plan as being outside of urban communities shall be served by a public wastewater disposal system planned to serve the entire industrial area. A wastewater disposal system serving only one existing parcel may be privately owned and operated until additional parcels are served, then it shall become a public wastewater disposal system.

(Ord. 3675)

9-1105.6 WAREHOUSE INDUSTRIAL AND TRUCK TERMINAL ZONING DISTRICTS.

Notwithstanding other requirements of this Chapter, development projects within Warehouse Industrial and Truck Terminal Zoning Districts may utilize on-site wastewater disposal subject to the provisions of Section 9-1105.2. Otherwise, the development project shall be served by a public wastewater disposal system.

(Ord. 3675)

9-1105.7 FREEWAY SERVICE AREAS OUTSIDE OF URBAN COMMUNITIES.

Development projects within freeway service areas identified in the General Plan as being outside of urban communities shall be served by a public wastewater disposal system planned to serve the entire freeway service area on one (1) side of the freeway. A wastewater disposal system serving only one (1) existing parcel may be privately owned and operated until additional parcels are served; then it shall become a public wastewater disposal system.

(Ord. 3675)

9-1105.8 COMMERCIAL RECREATION AREAS OUTSIDE OF URBAN COMMUNITIES.

Development projects within commercial recreation areas identified in the General Plan as being outside of urban communities shall be served by a public wastewater disposal system planned to serve the entire commercial recreation area. A wastewater disposal system serving only one (1) existing parcel may be privately owned and operated until additional parcels are served; then it shall become a public wastewater disposal system. (Ord. 3675)

9-1105.9 AGRICULTURAL AREAS.

Development projects within agricultural areas may be served by on-site wastewater disposal subject to the provisions of Section 9-1105.2. (Ord. 3675)

9-1105.10 AGRICULTURE-URBAN RESERVE ZONING DISTRICT.

Development projects within an Agriculture-Urban Reserve Zoning District may be served by on-site wastewater disposal subject to the provisions of Section 9-1105.2. (Ord. 3675)

9-1105.11 SUBDIVISION OF EXISTING DEVELOPED PROPERTIES.

(a) **Existing Buildings.** Subdivision of parcels with existing buildings on each new parcel may not be required to meet the wastewater disposal requirements specified in this chapter, except those provisions in Section 9-1105.2.

(b) **Remainder Parcels.** Undeveloped, designated remainder parcels created under the provisions of this Section shall meet the requirements of this Chapter prior to any grant of approval for a development project or issuance of a building permit on the remainder parcel. (Ord. 3675)

9-1105.12 ANTIQUATED SUBDIVISIONS.

For existing parcels in antiquated subdivisions, service by a public wastewater disposal system shall be required for new residences, except that on-site wastewater disposal may be utilized, subject to the provisions of Section 9-1105.2, for parcels of two (2) acres or more or for parcels of one (1) acre or more when served by a public water system and public drainage system. (Ord. 3675)

9-1105.13 EXPANSION CAPABILITY OF WASTEWATER TREATMENT.

When a new district is formed and a wastewater treatment plant is required, the plant shall be capable of expanding to serve the entire urban or rural community or the entire freeway service area on one (1) side of the freeway or the entire planned commercial recreation area. (Ord. 3675)

CHAPTER 9-1110

PRIVATE ON-SITE WASTEWATER DISPOSAL FACILITIES REGULATIONS

Sections:

- 9-1110.1 Intent.
- 9-1110.2 Public Sanitary Sewer Connections Required.
- 9-1110.3 Sanitation Permit Required.
- 9-1110.4 Sanitation Permit Requirements.
- 9-1110.5 Private On-Site Wastewater Disposal Facilities Standards.
- 9-1110.6 Prohibited Uses.
- 9-1110.7 Prohibited Discharges.
- 9-1110.8 Septic Tank Pumping.
- 9-1110.9 Compliance Required.
- 9-1110.10 Violations.
- 9-1110.11 Right to Appeal.
- 9-1110.12 Environmental Health Division Fees and Fines.

9-1110.1 INTENT.

The intent of this Chapter is to specify the minimum regulations for the use of private, on-site wastewater disposal facilities.

(Ord. 3675)

9-1110.2 PUBLIC SANITARY SEWER CONNECTIONS REQUIRED.

Private, on-site wastewater disposal facilities shall not be approved where public wastewater collection and disposal are required pursuant to Chapter 9-1105.

(Ord. 3675)

9-1110.3 SANITATION PERMIT REQUIRED.

It shall be unlawful for any person to construct, add to, modify, or alter any vaulted privy, septic tank, wastewater disposal system, other pipe or conduit, or other means for the disposal, treatment, or discharge of wastewater without first securing a Sanitation Permit from the Director of Environmental Health.

(Ord. 3675)

9-1110.4 SANITATION PERMIT REQUIREMENTS.

Sanitation Permits shall be subject to the following requirements:

(a) **Requirements for Application.** Applications for Sanitation Permits may be initiated by the property owner or his/her authorized agent. Applications shall be filed with the Environmental Health Division. A request for a

Sanitation Permit shall include a site plan which clearly delineates the location and characteristics of the proposed use.

(b) **Review Procedures.** Sanitation Permit applications shall be reviewed by the Director of the Environmental Health Division using the Staff Review Procedure in Chapter 9-210, with the following modifications:

(1) Preapplication Conferences shall not be required; and

(2) The time limit for approval shall be one (1) year.

(c) **Development Requirements.** Sanitation Permits approved under the provisions of this Chapter shall be subject to those conditions which ensure that the proposed use meets the minimum requirements of the County including, but not limited to, the following means or proposed means for the disposal, treatment, or discharge of wastewater:

(1) Will not permit the escape of any unpleasant or noxious odors, vapors, or gases;

(2) Will not permit the ingress and egress of flies, other insects, rodents, or animals;

(3) Will not permit the discharge of wastewater or the discharge or drainage of effluent from the wastewater disposal system to empty, flow, seep, drain, condense into, or otherwise pollute any watercourse, or other waters used or which may be used or suitable for use for domestic, recreational, or agricultural purposes;

(4) Shall not be offensive, dangerous, or injurious to health, or create a nuisance; and

(5) Shall conform in all respects to the regulations and standards of the Environmental Health Division for the disposal, treatment, or discharge of sewage.

(d) **Inspection of Permitted Work.** Work done under any Sanitation Permit shall not be covered, concealed, or put into use until it has been inspected and approved by the Director of the Environmental Health Division.

(e) **Changes May Be Ordered.** The Director of the Environmental Health Division may order changes to any existing system, method, means, manner, or place for the disposal, treatment, or discharge of sewage in order that they shall not constitute a menace to the health of human beings or animals. The orders of the Director of the Environmental Health Division shall designate the period within which such changes are to be made.

(f) **Special Permits.** Notwithstanding any other provisions of this Chapter, the Director of Environmental Health may approve Special Permits for limited periods of time when the requirements of this Chapter or any of the standards adopted pursuant to this Chapter are found to be impracticable or unnecessary. In approving a Spe-

cial Permit, the Director of Environmental Health shall prescribe all conditions necessary to protect the public health. Permits shall be subject to a specified time limit. (Ord. 3675)

9-1110.5 PRIVATE ON-SITE WASTEWATER DISPOSAL FACILITIES STANDARDS.

(a) **Standards.** The Board of Supervisors shall adopt uniform standards for the construction, installation, alteration, modification, and dimensions of the facilities subject to this Chapter based on investigation, inspection, and tests or accepted sanitation standards. These standards may be amended as necessary by the Board. The standards shall not conflict with the requirements of this Title or the laws of the State of California. All private, on-site wastewater disposal facilities, including the following, shall be constructed or modified only if they comply with the adopted standards:

- (1) Septic tanks;
- (2) Wastewater treatment plants systems; and
- (3) Vaulted privies.

(b) **Operators of Plants.** Operators of wastewater treatment plants must possess a current state wastewater treatment plant operators certificate of license. (Ord. 3675)

9-1110.6 PROHIBITED USES.

The drilling, constructing, using, maintaining, or operating of the following uses are hereby declared to be public nuisances and are prohibited:

- (a) Sewer Wells;
- (b) Pit Privies; and
- (c) Cesspools.

(Ord. 3675)

9-1110.7 PROHIBITED DISCHARGES.

Owners or those who maintain private on-site wastewater disposal facilities shall prohibit any of the following to flow or enter into a disposal system:

- (a) **Automobile and Garage Waste.** Waste water from automobile washing or garage floors;
- (b) **Storm Drainage.** Roof drainage or drainage waste resulting from natural runoff or irrigation;
- (c) **Solvents and Toxics.** Gasoline, cleaning solvents, paints, thinners, oils, or greases other than normal residential kitchen wastes;
- (d) **Solids.** Cloth, rope, metals, and solids of any kind;
- (e) **Garbage.** Garbage and similar waste material except when processed by approved garbage disposal units;

(f) **Kitchen Wastewater.** Wastewater from any restaurant, bar, or other kitchen where food is prepared for public consumption unless first directed through an approved grease trap, as required by the Uniform Plumbing Code;

(g) **Air Conditioners.** Waste drainage from water cooled refrigeration air conditioning;

(h) **Hazardous Wastes.** Waste from hazardous materials;

(i) **Backwash.** Backwash from water softeners, iron filters, and swimming pools; and

(j) **Truck Terminal Wastes.** Oil, grease, grit, and miscellaneous waste from operation of truck terminal, including washwater from trucks and garage floors.

(Ord. 3675)

9-1110.8 SEPTIC TANK PUMPING.

Septic tanks, chemical toilets, cesspools, or sewage seepage pits shall be pumped only by licensed septic tank pumpers as specified in the California Health and Safety Code. All septic pumpers shall file with the health officer, or his/her duly authorized representative, by the 12th day of the following month a report on forms approved by the Environmental Health Division showing each and every premises where septic tanks, chemical toilets, cesspools, or sewage seepage pits are pumped, the gallonage pumped, and the location where cleanings are disposed. All effluent pumped from septic tanks shall be disposed of only at disposal sites approved by the Director of the Environmental Health Division.

(Ord. 3675)

9-1110.9 COMPLIANCE REQUIRED.

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 the disposal of wastewater which complies with the requirements of this Chapter and the standards relating to wastewater disposal made and established by the Director of the Environmental Health Division.

(Ord. 3675)

9-1110.10 VIOLATIONS.

The Director of Environmental Health shall be responsible for enforcement of this Chapter. Any violation of this Chapter shall constitute a public nuisance subject to enforcement under the provisions of Title 8, Division 5 of this Code, also known as the Housing and Nuisance Abatement Code.

(Ord. 3675; 3817)

9-1110.11 RIGHT TO APPEAL.

Any appeal of a notice of violation shall first be filed with the Environmental Health Division within thirty (30) days of notification of the violation. Upon receipt of a written appeal, the Director of Environmental Health shall designate a hearing official, which official shall schedule an office hearing to attempt to resolve the matter. The matter will be set for hearing not less than seven (7) days and not more than twenty-one (21) days from the date of receipt of a written appeal. Notice of the office hearing shall be sent to the appellant by registered or certified mail. Notice shall be sent to the appellant, the owner if different from the appellant, and anyone else who has requested in writing to receive such notice. If the matter is resolved with a determination that a violation did occur or continues to occur, the cost of the office hearing shall be added to the expenses incurred by the County in abating the nuisance and shall be billed to the owner as part of the Statement of Expense. If the matter is not resolved at the office hearing, the appellant may file a written appeal to the Board of Supervisors. The written appeal must be filed with the Clerk of the Board of Supervisors within thirty (30) days of receipt of the written decision of the hearing official. The written decision shall advise that the owner has thirty (30) days to bring the subject property into compliance or file a written appeal with the Board of Supervisors. If the property is not brought into compliance and no appeal to the Board of Supervisors has been filed within the time specified, the Environmental Health Division shall submit a resolution to be placed on the consent calendar of the Board of Supervisors approving the Statement of Expense. If the matter is appealed to the Board of Supervisors and the appeal results in a finding of a violation, the cost of the hearing before the Board of Supervisors will be added to the cost of abatement and included on the Statement of Expense.

(Ord. 3817)

9-1110.12 ENVIRONMENTAL HEALTH DIVISION FEES AND FINES.

Fees for inspections or permits issued pursuant to this Chapter may be set by resolution of the Board of Supervisors. All fees and fines collected under this Chapter shall be paid into the County Treasury, to the credit of Public Health Services.

(Ord. 3675; 3817)

CHAPTER 9-1115

WATER WELL AND WELL DRILLING REGULATIONS

Sections:

- 9-1115.1 Intent.**
- 9-1115.2 Public Water System Connection Required.**
- 9-1115.3 Well Permit Required.**
- 9-1115.4 Well Permit Requirements.**
- 9-1115.5 Well Regulations.**
- 9-1115.6 Well Standards.**
- 9-1115.7 Special Requirement Areas.**
- 9-1115.8 Prohibited Uses.**
- 9-1115.9 Compliance Required.**
- 9-1115.10 Violations.**
- 9-1115.11 Right to Appeal.**
- 9-1115.12 Environmental Health Division Fees and Fines.**

9-1115.1 INTENT.

The intent of this Chapter is to specify the minimum regulations for the use of water wells.

(Ord. 3675)

9-1115.2 PUBLIC WATER SYSTEM CONNECTION REQUIRED.

Private, on-site domestic water wells shall not be approved where public water systems are available pursuant to Chapter 9-1120.

(Ord. 3675)

9-1115.3 WELL PERMIT REQUIRED.

A Well Permit shall be approved by the Director of the Environmental Health Division prior to digging, drilling, boring, driving, repairing, or destroying any well; or repairing, replacing, installing, or sealing a pump for use on any well. The permit is required whether the well is to be used for domestic, irrigation, testing, geophysical, seismic, subsurface boring, monitoring, injection, extraction, vapor probe, cathodic protection, or other purposes. A permit is not necessary to replace or repair equipment if the sanitary seal is not broken.

(Ord. 3675)

9-1115.4 WELL PERMIT REQUIREMENTS.

Well Permits shall be subject to the following requirements:

- (a) **Requirements for Application.** Applications for Well Permits must be initiated by a well driller licensed by the State of California. Applications shall be filed with

the Environmental Health Division. A request for a Well Permit shall include a site plan which clearly delineates the location and characteristics of the proposed use.

(b) **Review Procedures.** Well Permit applications shall be reviewed by the Director of the Environmental Health Division using the Staff Review Procedure in Chapter 9-210, with the following modifications:

(1) Preapplication Conferences shall not be required; and

(2) The time limit for approval shall be one (1) year.

(c) **Filing Deadline.** The application shall be filed and accepted as complete at least forty eight (48) hours prior to commencing on-site work.

(d) **Development Requirements.** A Well Permit may be approved by the Director of the Environmental Health Division only if the following conditions are met:

(1) The proposed well shall not be offensive, dangerous, or injurious to health, or create a nuisance;

(2) The proposed well complies in all respects to the standards of the Environmental Health Division for the construction of wells; and

(3) Upon completion of the well, the applicant or the Well Contractor shall file a copy of a Well Drillers Report with the Environmental Health Division. These report forms will be furnished by the Director of Environmental Health Division or the State of California Water Resources Board.

(e) **Inspection of Permitted Work.** The well site, location, material, and methods used may be inspected by the Director of Environmental Health at any time prior to or during construction or destruction of any well. The Director of the Environmental Health Division shall be informed when the work is completed and thereafter shall make a final inspection. Work done under any water well permit shall not be covered, concealed, or put into use until it has been inspected and approved by the Director.

(f) **Changes May Be Ordered.** The Director of the Environmental Health Division may order changes in the location of water wells and in the methods, means, and manner of constructing water wells in order that the same shall not constitute a menace to the health of human beings or animals, or a detriment to groundwater sources. The orders of the Director shall designate the period within which such changes are to be made.

(g) **Special Permits.** Notwithstanding any other provisions of this Chapter, the Director of the Environmental Health Division may approve Special Permits for limited periods of time when the requirements of this Chapter or any of the standards adopted pursuant to this Chapter are found to be impracticable or unnecessary. In approving a Special Permit, the Director shall prescribe

all conditions necessary to protect the public health. Permits shall be subject to a specified time limit.

(h) **Emergency Repairs.** In the event of an emergency, as evidenced by lack of water, repairs may proceed without a permit. Emergency repairs include the construction of a new well, or the repair, deepening, or replacement of a well or pump. All work done under emergency conditions shall comply with the standards adopted pursuant to this Chapter. In all such cases, the owner or contractor must file a statement that this was an emergency repair and the reason for the repair. Application for emergency repairs must be made within forty-eight (48) hours after such repairs are begun, excluding weekends and holidays.

(Ord. 3675)

9-1115.5 WELL REGULATIONS.

All wells shall be subject to the following regulations:

(a) **Sanitary Seal.** All wells shall have a sanitary seal.

(b) **Concrete Platform or Slab.** All wells, except cathodic protection wells, shall have a concrete platform or slab constructed to prevent the entrance of surface water from any source into the well or the underground water source.

(c) **Disinfection.** After the construction or repair of all water wells and prior to the use of the well, the well and all appurtenances thereto shall be adequately disinfected.

(d) **Grout Seal.** All water wells shall have a grout seal in the annular space.

(e) **Abandonment of Wells.** Upon determination that any well is abandoned as provided in the rules and regulations adopted pursuant to this Chapter, that well must be destroyed in the manner prescribed so that entrance of degraded or contaminated water into usable aquifers, or creation of a safety hazard, are minimized.

(f) **Destruction of Wells.** The Director of the Environmental Health Division is authorized, after reasonable efforts to eliminate pollution, contamination, or a safety hazard, to enforce the permanent abandonment by destruction of any well that is polluted, contaminated, or is so located as to become polluted or contaminated or is a safety hazard. The Director is authorized to destroy any such well and to recover the cost of the destruction from the owner of the property on which the well is located.

(g) **Out-of-Service Wells.** If the owner intends to cease use of a well for a period of six (6) months or more, the owner shall inform the Director of Environmental Health. Such a well shall be protected from any source of contamination while the well is temporarily out of service. The owner shall maintain such a well as

required in the standards adopted pursuant to this Chapter.

(h) **Dewatering Wells.** The Director of the Environmental Health Division shall be notified prior to installing dewatering wells in areas of known contamination. The Director shall be notified immediately of areas where contamination is encountered, and cease operation until clearance from the Director is obtained.
(Ord. 3675)

9-1115.6 WELL STANDARDS.

The Board of Supervisors shall adopt uniform standards for the construction, installation, alteration, and modification of the facilities subject to this Chapter based on investigation, inspection, and tests and accepted standards. These standards may be amended as necessary by the Board of Supervisors. The standards shall not conflict with the requirements of this Title or the laws of the State of California. All well facilities shall be constructed or modified only if they comply with the adopted standards.
(Ord. 3675)

9-1115.7 SPECIAL REQUIREMENT AREAS.

In all areas of the County where poor quality water could infiltrate good quality groundwater due to well construction, special requirements will be set to protect the good quality water. These areas of water quality problems shall be identified by the Director of the Environmental Health Division based on the best available information and adopted pursuant to Section 9-1115.4.
(Ord. 3675)

9-1115.8 PROHIBITED USES.

The following uses are hereby prohibited.

(a) **Well Pits.** The construction, use, or installation of well pits.

(b) **Separate Wells.** The provision of water to a residence from an off-site private, domestic water well located on a separate recorded parcel.
(Ord. 3675)

9-1115.9 COMPLIANCE REQUIRED.

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 in compliance with the requirements of this Chapter and the standards relating to wells made and established by the Board.
(Ord. 3675)

9-1115.10 VIOLATIONS.

The Director of the Environmental Health Division shall be responsible for enforcement of this chapter. Any violation of this Chapter shall constitute a public nuisance subject to enforcement under the provisions of Title 8, Division 5 of this Code, also known as the Housing and Nuisance Abatement Code.
(Ord. 3675; 3817)

9-1115.11 RIGHT TO APPEAL.

Any appeal of a notice of violation shall first be filed with the Environmental Health Division within thirty (30) days of notification of the violation. Upon receipt of a written appeal, the Director of Environmental Health shall designate a hearing official, which official shall schedule an office hearing to attempt to resolve the matter. The matter will be set for hearing not less than seven (7) days and not more than twenty-one (21) days from the date of receipt of a written appeal. Notice of the office hearing shall be sent to the appellant by registered or certified mail. Notice shall be sent to the appellant, the owner if different from the appellant, and anyone else who has requested in writing to receive such notice. If the matter is resolved with a determination that a violation did occur or continues to occur, the cost of the office hearing shall be added to the expenses incurred by the County in abating the nuisance and shall be billed to the owner as part of the Statement of Expense. If the matter is not resolved at the office hearing, the appellant may file a written appeal to the Board of Supervisors. The written appeal must be filed with the Clerk of the Board of Supervisors within thirty (30) days of receipt of the written decision of the hearing official. The written decision shall advise that the owner has thirty (30) days to bring the subject property into compliance or file a written appeal with the Board of Supervisors. If the property is not brought into compliance and no appeal to the Board of Supervisors has been filed within the time specified, the Environmental Health Division shall submit a resolution to be placed on the consent calendar of the Board of Supervisors approving the Statement of Expense. If the matter is appealed to the Board of Supervisors and the appeal results in a finding of a violation, the cost of the hearing before the Board of Supervisors will be added to the cost of abatement and included on the Statement of Expense.
(Ord. 3817)

9-1115.12 ENVIRONMENTAL HEALTH DIVISION FEES AND FINES.

Fees for inspections or permits issued pursuant to this

Chapter may be set by resolution of the Board of Supervisors. All fees and fines collected under the provisions of this Chapter shall be paid into the County Treasury, to the credit of Public Health Services.
(Ord. 3675; 3817)

CHAPTER 9-1120

WATER SYSTEMS

Sections:

9-1120.1	Intent.
9-1120.2	General Requirements.
9-1120.3	Urban Communities.
9-1120.4	Rural Communities.
9-1120.5	Industrial Areas Outside of Urban Communities.
9-1120.6	Truck Terminal Zoning Districts.
9-1120.7	Freeway Service Areas Outside of Urban Communities.
9-1120.8	Commercial Recreation Areas Outside of Urban Communities.
9-1120.9	Agricultural Areas.
9-1120.10	Agriculture-Urban Reserve Zoning Districts.
9-1120.11	Subdivision of Existing Developed Properties.
9-1120.12	Antiquated Subdivisions.

9-1120.1 INTENT.

The intent of this Chapter is to specify the requirements for water systems in new development projects.
(Ord. 3675)

9-1120.2 GENERAL REQUIREMENTS.

The following General Requirements shall apply to all development projects requiring facilities and services for water supply, unless otherwise specified in this Title.

(a) **Compliance with Environmental Health Division and Agency Requirements.** When connection to a public water system is not required by the County, the water system shall comply with the requirements of the Environmental Health Division in accordance with Chapter 9-1115.

(b) **Approval by Other Agencies for Public Water Systems.** For development projects requiring a public water system, the water system shall meet the requirements of the County Fire Warden, the Environmental Health Division, the Public Works Department, and the public agency providing the service.

(c) **Specific Requirements for Water Systems.** The following specific requirements for water systems shall be met:

(1) Any development project shall at a minimum provide a water system meeting the requirements of Title 22 of the California Code of Regulations and the well standards in Chapter 9-1115.

(2) Sufficient water shall be available at all times from the water sources and distribution reservoirs to supply adequately, dependably, and safely the total requirements of all users under maximum demand conditions, including water for domestic and fire protection purposes. The water system shall be able to maintain a minimum pressure of twenty (20) psi at all water service connections in the system at all times and under all non-emergency conditions.

(3) A public water system shall be designed and constructed in accordance with the standards of the agency that will operate and maintain the public water system.

(4) For those development projects for which individual wells are an acceptable water system, at least one (1) test well shall be developed and tested for quality and quantity prior to approval of a final or parcel map or issuance of a building permit, whichever comes first. For projects that contain less than five (5) parcels, a test well shall not be required unless site specific conditions warrant it. Where topography, geological conditions, site specific conditions, or information from existing wells is unavailable, the Environmental Health Division may require additional test wells. The Environmental Health Division may require a test well on each lot. Test wells shall be pumped in a manner satisfactory to the Environmental Health Division and shall produce for a single-family residence a minimum of five (5) gallons per minute if tested during the period from January 1 through June 30 or a minimum of three (3) gallons per minute if tested during the period from July 1 through December 31. Wells to serve other uses shall produce a minimum of the design source capacity. The requirements for test wells may be waived by the Environmental Health Division if sufficient well information has been developed in the area to assure adequate potable water.

(5) Where a public water system for a subdivision is proposed to include new wells, the new wells shall, prior to approval of the final or parcel map, be developed and tested for quality and quantity. The wells shall be pumped in a manner satisfactory to the Environmental Health Division and Public Works Department. Water quality shall meet drinking water standards of the State of California and be acceptable to the Department of Public Works and Environmental Health Division. If necessary to meet the minimum quality standards, additional treatment facilities must be constructed prior to putting the well into service.

(d) **Areas Not Served by Public Water System.** In areas not served by a public water system, any commercial or industrial development proposed on an existing lot

shall require Site Approval, or a Use Permit when required by other sections of this Title.

(e) **Existing Private Water Wells.** Upon connection to a public water system, any existing on-site water well(s) shall be destroyed or an approved backflow prevention device shall be installed at the service connection, in accordance with Environmental Health Division and Public Works Department regulations.

(f) **Extension of Water Main.** When the Director of Public Works or the serving agency determines that extension of a water main through a project or along a project parcel frontage is necessary for the orderly provision of water service to an area, the developer shall extend the water main in accordance with agency design standards.

(g) **Capacity of Existing Water System.** If an existing water system is required to serve the development project, but does not have capacity to serve a development project, the developer shall provide for additional capacity either by constructing off-site water system facilities or contributing funds to the serving agency for system expansion. The serving agency shall determine which option is appropriate.

(h) **Supplemental Water Fee.** Any development project which is not served by an agency utilizing and paying for their fair share of supplemental water deliveries into the San Joaquin County groundwater basins shall be subject to a recordable covenant running with the land, which requires that an appropriate annual or other term fee or charge, as determined by the Board, from time to time, be paid for supplemental water deliveries into the San Joaquin County groundwater basins. Such fee or charge shall be set to fairly reflect the cost borne by other comparable water users for such supplemental water deliveries.

(i) **Development Projects Using Existing Structures.** Development projects using existing structures and adding no new structures shall be served by a public water system if there is an existing water main within two hundred (200) feet of the nearest property line. Otherwise, an existing on-site water system may be utilized subject to the approval of the Environmental Health Division.

(Ord. 3675)

9-1120.3 URBAN COMMUNITIES.

Within those urban communities identified in the General Plan, required public water systems shall be provided by an existing public agency or, where there is no public agency providing water in the community, by a new agency.

(a) **Subdivisions With Parcels Less Than Two Acres.** Subdivisions with parcels less than two (2) acres shall be served by a public water system.

(b) **Subdivisions With Parcels Two Acres or Larger.** Subdivisions with parcels two (2) acres or larger shall be served by a public water system, except for Rural Residential subdivisions if there is no public water system within seven hundred (700) feet, the Rural Residential subdivision may be approved with an on-site well system, subject to the approval of the Environmental Health Division.

(c) **Development Projects on Existing Parcels.** Development projects on existing parcels shall be served by a public water system. Exceptions for parcels over two (2) acres in size may be granted, subject to the approval of the Environmental Health Division. No reduction in size shall be allowed for parcels served by public drainage or sewer systems.
(Ord. 3675, 3756, 3820)

9-1120.4 RURAL COMMUNITIES.

Within rural communities, water supply shall be provided as follows:

(a) **Subdivisions With Parcels Two Acres or Larger.** Subdivisions with parcels two (2) acres or larger shall be served by a public water system except that if there is no public water system within seven hundred (700) feet the subdivision may use an on-site well system subject to the provisions of Section 9-1120.2.

(b) **Subdivision With Parcels Less Than Two Acres.** Subdivisions with parcels less than two (2) acres shall be served by a public water system.

(c) **Development Projects on Existing Parcels.** Development projects on existing parcels shall be served by a public water system if a water main is within two hundred (200) feet of the nearest property line. Exceptions may be granted by the Director of Public Works if the Director determines that the existing system has no capacity or the parcel cannot be annexed to the existing water district. If an existing water main is not within two hundred (200) feet, the development project may use an on-site well subject to the provisions of Section 9-1120.2.
(Ord. 3675)

9-1120.5 INDUSTRIAL AREAS OUTSIDE OF URBAN COMMUNITIES.

Subdivisions within planned industrial areas outside of an urban community shall be served by a public water system. The water system shall be planned to serve the entire industrial area and be subject to the provisions of Section 9-1120.2. Any water system serving only one (1) existing parcel may be privately owned until additional

parcels are served, then it shall become a public water system.

(Ord. 3675)

9-1120.6 TRUCK TERMINAL ZONING DISTRICTS.

Development projects within Truck Terminal Zoning Districts may use an on-site well system subject to the provisions of Section 9-1120.2.

(Ord. 3675)

9-1120.7 FREEWAY SERVICE AREAS OUTSIDE OF URBAN COMMUNITIES.

Development projects within freeway service areas outside of an urban community shall be served by a public water supply system planned to serve the entire freeway service area on one side of the freeway. Any water system serving only one existing parcel may be privately owned until additional parcels are served; then it shall be a public water system.

(Ord. 3675)

9-1120.8 COMMERCIAL RECREATION AREAS OUTSIDE OF URBAN COMMUNITIES.

Subdivisions within commercial recreation areas outside of an urban community shall be served by a public water system. Any water system serving only one (1) existing parcel may be privately owned until additional parcels are served; then it shall be a public water system.

(Ord. 3675)

9-1120.9 AGRICULTURAL AREAS.

Development projects within agricultural areas may use an on-site well system subject to the provisions of Section 9-1120.2.

(Ord. 3675)

9-1120.10 AGRICULTURE-URBAN RESERVE ZONING DISTRICT.

Development projects on properties with Agriculture Urban Reserve Zoning Districts may use an on-site well system subject to the provisions of Section 9-1120.2.

(Ord. 3675)

9-1120.11 SUBDIVISION OF EXISTING DEVELOPED PROPERTIES.

(a) **Existing buildings.** Subdivision of parcels with existing primary buildings on each new parcel may not be required to meet the water supply requirements specified in this chapter.

(b) **Remainder Parcels.** Undeveloped, designated remainder parcels created under the provisions of this section shall meet the requirements of this chapter prior to any grant of approval for a development project or issuance of a building permit on the remainder parcel. (Ord. 3675)

9-1120.12 ANTIQUATED SUBDIVISIONS.

For existing parcels in antiquated subdivisions, service by a public water system is required for issuance of a building permit for new residences on parcels less than two (2) acres in size. An on-site water system may be acceptable for parcels two (2) acres and larger subject to the provisions of Section 9-1120.2. (Ord. 3675)

CHAPTER 9-1125

WATER QUALITY REGULATIONS

Sections:

- 9-1125.1 Intent.**
- 9-1125.2 Basis for Chapter.**
- 9-1125.3 Water Regulations.**
- 9-1125.4 Compliance Required.**
- 9-1125.5 Duties of Director of Environmental Health.**
- 9-1125.6 Enforcement Procedures.**
- 9-1125.7 Environmental Health Division Fees and Fines.**

9-1125.1 INTENT.

The intent of this Chapter is to prohibit the discharge of wastes into the surface and ground waters of the County, consistent with water quality objectives, to reduce the cumulative effect or possible cumulative effect on properties and characteristics which result or may result from the discharge of wastes. The discharge of wastes shall not create a nuisance. (Ord. 3675)

9-1125.2 BASIS FOR CHAPTER.

As provided for in the Porter Cologne Water Quality Control Act Division 7, Chapter 1, Section 13002 (a) and (b), the County hereby establishes regulations imposing conditions, restrictions, or limitations for the disposal of waste or any other activity which might degrade the quality of the waters of the state because:

(a) **Public Interest.** It is in the best public interest of the citizens of the County of San Joaquin to provide and be provided with the best quality of water possible;

(b) **Environmental Quality.** The quality of water affects the quality of the environment as well as its economic value;

(c) **Beneficial Uses.** The surface waters and ground waters of the County provide beneficial uses which include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves; and

(d) **Welfare.** It is the responsibility of San Joaquin County Public Health Services to preserve and protect water quality for the health and welfare of the citizens of the County of San Joaquin.

(Ord. 3675)

9-1125.3 WATER REGULATIONS.

(a) **Discharge Adjacent to Waterway.** It shall be unlawful to dump or discharge any waste within one hundred and fifty feet (150') of the high water mark of any watercourse or impoundment for either natural or unnatural surface water.

(b) **Standards.** The Board of Supervisors shall adopt and may from time to time amend standards for implementation of this Chapter and other standards. Such standards shall not be in conflict with this Title or with the laws of the State of California. The standards shall be adopted only after the Board has considered the matter at a public hearing at which all interested persons have been afforded the opportunity to urge or oppose adoption of the proposed standards. This Chapter and these standards shall not be a limitation on the power of any city or political subdivision to develop and/or enforce laws and/or standards which are equal to, or more restrictive than, the articles herein stated.

(Ord. 3675)

9-1125.4 COMPLIANCE REQUIRED.

It shall be unlawful for any person to discharge any treated or untreated wastes that may be detrimental to the surface or ground waters of the County. Wastewater discharges shall meet the discharge standards set by the State Regional Water Quality Control Board (RWQCB) and the requirements contained in this Chapter.

(Ord. 3675)

9-1125.5 DUTIES OF DIRECTOR OF ENVIRONMENTAL HEALTH DIVISION.

(a) It shall be the duty of the Director of the Environmental Health Division to enforce the provisions of this Chapter. The Director of the Environmental Health Division shall have authority to review discharge requirements set by the State Regional Water Quality Control Board (RWQCB) and impose more restrictive discharge requirements not in conflict with RWQCB regulations.

(b) When determined to be necessary, the Director of Environmental Health shall notify owners of wells on properties adjacent to property containing a well that has been identified as containing contaminants above California drinking water standards that a well on the adjacent property has been so identified.

(Ord. 3675)

9-1125.6 ENFORCEMENT PROCEDURES.

Violation of the provisions of this Chapter shall constitute a public nuisance and, if not made to conform, shall be subject to the enforcement procedures outlined in

Section 9-1905.4, except that the Director of the Environmental Health Division shall be responsible for enforcement.

(Ord. 3675)

9-1125.7 THE ENVIRONMENTAL HEALTH DIVISION FEES AND FINES.

Fees for inspections or permits issued pursuant to this Chapter may be set by resolution of the Board of Supervisors. All fees and fines collected under the provisions of this Chapter shall be paid into the County Treasury, to the credit of Public Health Services.

(Ord. 3675)

CHAPTER 9-1135

STORM DRAINAGE

Sections:

- 9-1135.1 Intent.**
- 9-1135.2 General Requirements.**
- 9-1135.3 Urban Communities.**
- 9-1135.4 Rural Communities.**
- 9-1135.5 Industrial Areas Outside of Urban Communities.**
- 9-1135.6 Truck Terminal Zoning Districts.**
- 9-1135.7 Freeway Service Areas Outside of Urban Communities.**
- 9-1135.8 Commercial Recreation Areas Outside of Urban Communities.**
- 9-1135.9 Agricultural Areas.**
- 9-1135.10 Agricultural-Urban Reserve Zoning Districts.**
- 9-1135.11 Subdivision of Existing Developed Property.**
- 9-1135.12 Antiquated Subdivisions.**
- 9-1135.13 Drainage Fees.**
- 9-1135.14 Deferred Storm Drainage Facility Agreement for Future Storm Drainage System Improvements.**

9-1135.1 INTENT.

The intent of this Chapter is to specify the requirements for storm drainage in new development projects. (Ord. 3675)

9-1135.2 GENERAL REQUIREMENTS.

The following general requirements shall apply to all development projects unless otherwise specified in this Title:

(a) **Drainage Facilities.** All development projects shall provide drainage facilities within and downstream from the development project to carry storm water runoff both tributary to and originating within the development project. The tributary area upstream from the development project shall be considered as being developed in accordance with the General Plan, even if undeveloped. Storm water runoff shall be conveyed into a terminal drain or may be retained in a retention basin as provided by this Chapter.

(b) **Approval of Drainage Facilities by Public Works.** The design of drainage facilities required by this Chapter shall be approved by the Director of Public Works prior to issuance of a building permit or approval

of the final map or parcel map, whichever occurs first. Submission of the drainage plans for approval shall be the responsibility of the owner or developer of the property on which the development project is proposed. All plans and drainage reports shall be prepared and signed by a registered civil engineer.

(c) **Drainage Facilities for Increased Runoff.** Where a development project will cause an increase in the storm water runoff release rate, the developer shall provide drainage facilities to prevent the increased runoff release rate of storm water from discharging onto other properties. The design may consist of off-site drainage facilities to convey runoff to terminal drainage, or, if provided for in this Chapter, retention of said runoff in ponds within the development project, or the use of detention basins to control the runoff release rate. The allowable runoff release rate may be increased by the Director of Public Works when the developer can demonstrate in a drainage report that:

(1) The increased release rate will not exceed the capacity of the downstream drainage facilities (all undeveloped land in the tributary watershed must be considered as being developed when determining the capacity of downstream drainage facilities); and

(2) The proposed release rate will not increase the water surface elevation in upstream properties.

If the capacity of downstream drainage facilities is exceeded under these conditions, the development project's runoff release rate must be decreased so that the downstream drainage facility capacity is not exceeded.

(d) **Design.** Storm Drainage Facilities shall be designed in conformance with any Master Drainage Plan, Special Purpose Plan, Specific Plan, Master Plan, or area drainage plan adopted by the Board of Supervisors.

(e) **Discharge to Sanitary Sewer Prohibited.** Disposal of surface and storm waters into sanitary sewer lines, leach lines, or seepage pits of individual sanitary sewage disposal systems is prohibited.

(f) **Watercourses and Flood Control Channels.** If a development is affected by watercourses, channels, streams, or creeks for which the 100-year flood plain has not been established, the developer shall determine the 100-year flood plain limits and shall dedicate drainage easements conforming substantially with the flood plain limits plus such additional rights-of-way as shall be required by the Director of Public Works for access, structures, or channel changes.

(g) **Detention Basins and Retention Basins.** If orderly and reasonable development of an area requires detention of storm water, the developer shall provide facilities for detaining runoff, in accordance with the San Joaquin County Improvement Standards. Retention ponds

not maintained by a public agency may only be used where allowed by this Chapter and shall be designed in accordance with the San Joaquin County Improvement Standards.

(1) Private retention storm drainage facilities approved for development projects shall be inspected on a complaint basis only to insure that the drainage basin is being maintained as designed and approved. In accordance with Section 9-1905.5 of this title, the property owner shall reimburse the County for all time, services and materials needed to abate the violation, if it is determined from the inspection that the retention basin is out of compliance.

(2) Detention or retention basins that are found to be out of compliance shall be brought in to conformance within 90 days. Failure to bring the ponds into compliance shall result in the matter being set for hearing before the Planning Commission for consideration of revocation of the underlying use permit.

(h) **Drainage Report.** Developers shall submit a drainage report for all development projects. This report must be submitted for review at the same time as the grading/drainage plan or subdivision Improvements Plans are submitted for plan check, whichever occurs first. Drainage reports shall be prepared by a registered civil engineer in accordance with the San Joaquin County Improvement Standards.

(i) **Development Projects Using Existing Structures.** Development projects using existing structures and adding no new structures or parking area may be served by the existing drainage system.

(j) **Capacity of Existing Drainage System.** If the existing drainage system is required to serve a development project but does not have capacity to serve the development project, the developer shall provide for additional capacity either by constructing off-site drainage facilities or contributing funds to the serving agency for drainage system expansion. The serving agency shall determine which option is appropriate.

(k) **Areas Not Served by Public Drainage System.** In areas not served by a public drainage system, any commercial or industrial development proposed on an existing lot shall require Site Approval, or a Use Permit when required by other sections of this Title.

(l) **Drainage Flood Control Improvements.** Where a development or subdivision is subject to an intermediate regional flood, or other flood hazard, the developer or subdivider shall provide such flood control works, drainage facilities, or other improvements sufficient to provide all structures or building sites, both existing and proposed within the subdivision, with 100-year flood protection.

(m) **Easements for Drainage and Flood Control.** The developer or subdivider shall provide easements for all flood control and drainage facilities sufficient to encompass such facilities and to provide for their maintenance, operation, and improvement.

(Ord. 3675; 3756; Ord. 3832 § 37, 1995)

9-1135.3 URBAN COMMUNITIES.

Within an urban community, development projects shall be served by an existing public agency providing drainage services as follows:

(a) **Subdivisions.** Subdivision drainage facilities shall discharge into a terminal drain, except that an agency retention basin may be an acceptable alternative where permitted by a Master Plan or Special Purpose Plan, or a private on-site retention basin may be allowed in Rural Residential designations if parcels are two acres or greater and the following exist:

(1) There are no terminal drainage facilities within two hundred (200) feet;

(2) The site conditions of soil permeability and groundwater level allow a retention basin design to meet San Joaquin County Improvement Standards;

(3) The parcels shall drain into a terminal drainage system when it becomes available (within two hundred (200) feet) and shall annex to the special District or County Service Area maintaining to system. This requirement shall be noticed by a statement on the Parcel Map or Final Map; and

(4) Subdividers shall provide a deposit to finance their proportionate share of the estimated cost of the storm drainage system.

(b) **Development Projects on Existing Parcels.** Development projects on existing parcels shall discharge into a public terminal drain if one is within two hundred (200) feet of the nearest property line. If the existing parcel is not within two hundred (200) feet of such drain, a private on-site retention basin may be an acceptable alternative if:

(1) The site conditions of soil permeability and ground water level allow a retention basin to meet San Joaquin County Improvement Standards, and;

(2) The tributary watershed area to the retention basin is less than ten (10) acres.

(Ord. 3675; 3756; Ord. 3844 § 1, 1995)

9-1135.4 RURAL COMMUNITIES.

Subdivisions and development projects on existing vacant parcels shall be served by a public drainage system or a private on-site retention basin as follows:

(a) **Subdivisions with Parcels Less than Two Acres.** For subdivisions with any parcels less than two

(2) acres in size, the subdivision shall be served by public drainage facilities which discharge into a terminal drain, except that a public agency retention basin may be allowed where all of the following exist:

(1) There are no terminal drainage facilities within one thousand (1000) feet, and;

(2) The site conditions of soil permeability and groundwater level allow a retention basin design to meet San Joaquin County Improvement Standards.

(b) **Subdivisions With Parcels Two Acres and Larger.** For subdivisions with all parcels two (2) acres or larger in size, the subdivision shall be served by public drainage facilities which discharge into a terminal drain, except that an agency retention basin or private on-site retention basins may be allowed where all of the following exist:

(1) There are no terminal drainage facilities within two hundred (200) feet, and;

(2) The site conditions of soil permeability and groundwater level allow a retention basin design to meet San Joaquin County Improvement Standards.

(c) **Development Projects on Existing Vacant Parcels.** For development projects on existing vacant parcels, the development project shall be served by a public drainage system which discharges into a terminal drain, except that a private on-site retention basin may be allowed where all of the following exist:

(1) There are no terminal drainage facilities within two hundred (200) feet, and;

(2) The site conditions of soil permeability and groundwater level allow a retention basin design to meet San Joaquin County Improvement Standards.

(Ord. 3675)

9-1135.5 INDUSTRIAL AREAS OUTSIDE OF URBAN COMMUNITIES.

Within industrial areas outside of urban communities, development projects shall be served by a public drainage system planned for the entire industrial area which discharges into a terminal drain, except as follows:

(a) **Agency Retention Basin.** The public drainage system may discharge into a retention basin where all of the following exist:

(1) There are no terminal drainage facilities within one thousand (1,000) feet, and;

(2) The site conditions of soil permeability and groundwater level allow a retention basin design to meet San Joaquin County Improvement Standards.

(b) **Private Ownership.** A drainage system serving only one existing parcel may be privately owned until

additional parcels are served, then it shall become a public drainage system.

(Ord. 3675)

9-1135.6 TRUCK TERMINAL ZONING DISTRICTS.

Development projects within Truck Terminal Zoning Districts may be served by a private on-site retention basin if all of the following exist:

(a) There are no terminal drainage facilities within one thousand (1,000) feet; and

(b) The site conditions of soil permeability and groundwater level allow a retention basin design to meet San Joaquin County Improvement Standards. Otherwise, terminal drainage shall be required.

(Ord. 3675)

9-1135.7 FREEWAY SERVICE AREAS OUTSIDE OF URBAN COMMUNITIES.

Development projects within freeway service areas outside of an urban community shall meet the same requirements as Section 9-1135.5, Industrial Areas Outside of Urban Communities, except that the drainage system need only serve the planned area on one side of the freeway.

(Ord. 3675)

9-1135.8 COMMERCIAL RECREATION AREAS OUTSIDE OF URBAN COMMUNITIES.

Development projects within commercial recreation areas outside of urban communities shall meet the same requirements as Section 9-1135.5, Industrial Areas Outside of Urban Communities.

(Ord. 3675)

9-1135.9 AGRICULTURAL AREAS.

Development projects within agricultural areas may be served by private on-site retention basins.

(Ord. 3675)

9-1135.10 AGRICULTURE-URBAN RESERVE ZONING DISTRICTS.

Development projects within Agriculture-Urban Reserve Zoning Districts may be served by private on-site retention basins.

(Ord. 3675)

9-1135.11 SUBDIVISION OF EXISTING DEVELOPED PROPERTIES.

(a) **Existing Buildings.** A Subdivisions of parcels with existing buildings on each proposed new parcel are not required to meet the drainage facility requirements specified in this Chapter.

(b) **Remainder Parcels.** Undeveloped, designated remainder parcels created under the provisions of this Section shall meet the requirements of this Chapter prior to any grant of approval for a development project or issuance of a building permit on the remainder parcel. (Ord. 3675; Ord. 3832 § 38, 1995)

9-1135.12 ANTIQUATED SUBDIVISIONS.

For existing parcels in antiquated subdivisions, public drainage facilities shall be required for issuance of building permits for new residences on parcels less than two (2) acres in size. For parcels two (2) acres or larger in size drainage facilities may consist of a private on-site retention basin if there are no public drainage facilities within two hundred (200) feet of the parcel and the site conditions of soil permeability and groundwater level allow a retention basin to meet San Joaquin County Improvement Standards.

(Ord. 3675)

9-1135.13 DRAINAGE FEES.

(a) **Payment of Fees.** Where a fee is to be paid in lieu of, or in conjunction with, terminal drainage that is in conformance with the Master Storm Drainage Plan, such fee shall be determined by the Board of Supervisors and shall be based on the Public Works Director's written estimate of the cost of providing terminal drainage in the area in which the proposed construction is to be located, and on a reasonable apportionment of such estimated costs to the property on which the proposed construction is to take place, based on the need for drainage facilities to be created by such proposed construction.

(b) **Refund of Fees.** Where fees have been collected for the drainage trust fund prior to May 28, 1974, and the subject property lies outside of an area where public drainage facilities exist or where an engineered plan for public drainage facilities has been adopted, the owner of property may apply in writing for a refund of the fees previously paid. The application shall be accompanied by proof of ownership of the subject property. A refund of the fee, plus accrued interest, if any, shall be ordered by the Board of Supervisors upon the certification by the Department of Public Works of the following:

- (1) The amount of the fee;

(2) The subject property lies outside an area for which an engineered plan for public drainage facilities has been approved; and

(3) All requirements respecting drainage are being met on the subject property.

If requirements respecting drainage are not being met, the Board of Supervisors shall direct the Department of Public Works to utilize the amount of fees paid for the subject property insofar as feasible to provide compliance with drainage requirements for the subject property.

(Ord. 3675)

9-1135.14 DEFERRED STORM DRAINAGE FACILITY AGREEMENT FOR FUTURE STORM DRAINAGE SYSTEM IMPROVEMENTS.

Where a subdivision or development is required to discharge into a terminal drain and no terminal drainage facilities are available, the Director of Public Works may approve Deferred Storm Drainage Facility Agreements to ensure that subdividers and developers finance their proportionate share of the cost of the future storm system improvements. Where storm drainage improvements are to be provided by an existing Deferred Storm Drainage Facility Agreement and are no longer needed, the Director of Public Works may rescind said Agreement.

(Ord. 3937 § 2, 1997)

CHAPTER 9-1145

ENCROACHMENT STANDARDS

Sections:

- 9-1145.1 Intent.**
- 9-1145.2 Grading and Excavations.**
- 9-1145.3 Highway Drainage.**
- 9-1145.4 Driveway Permits.**
- 9-1145.5 Driveways.**

9-1145.1 INTENT.

The intent of this Chapter is to specify the requirements for performing work within County rights-of-way. (Ord. 3675)

9-1145.2 GRADING AND EXCAVATIONS.

(a) **Permit required for grading and excavating.** No person shall dig holes, trenches, or ditches, make openings or excavations of any kind for any purpose, or perform grading of earth soil or other material on any street, highway, road, or other public place except upon application to, and permit granted by, the Director of Public Works, who shall have authority to prescribe how much work shall be done, how the holes, trenches, ditches, and openings shall be filled or backfilled, when the work may be commenced, and when finished. Every permit granted pursuant to this section shall be made on the condition that if the grantee fails, refuses, or neglects, within a reasonable time after written demand of the Director of Public Works, to complete the work or to restore the street, highway, road, or other public place to a condition equal to or better than its condition before the opening or excavation was made and to maintain the same in that condition, the Director of Public Works may do the work and furnish the material necessary, therefore, and all sums reasonably expended for these purposes shall be repaid to the County by the grantee.

(b) **Bond or Cash Deposit.** No application shall be granted until the applicant has filed with the Director of Public Works a bond or cash deposit in a sum satisfactory to the Director guaranteeing that the street, highway, road, or other public place shall be restored to a condition equal to or better than its condition before the opening was made and shall be maintained in that condition. An applicant for these permits may file one bond to cover all work during a year, if desired, in an amount that the Director shall deem necessary to save the County harmless from all damage.

(c) **Liability of County.** Nothing in this chapter shall be construed to enlarge the liability of the County for any excavation or work or for damages to the public

or otherwise resulting therefrom, and every permit and bond issued under this chapter shall provide that the County and its officers and employees shall be held harmless on account of any damage or injury to the public or otherwise resulting from the excavation or other work.

(Ord. 3675)

9-1145.3 HIGHWAY DRAINAGE.

(a) **Irrigation Drainage.** No person shall drain irrigation water, or permit irrigation water to be drained, from his lands onto any county highway by any means.

(b) **Obstructions.** No person shall obstruct any natural watercourse so as to:

(1) Prevent, impede, or restrict the natural flow of waters from any county highway into and through the watercourse, unless other adequate and proper drainage is provided.

(2) Cause waters to be impounded within any county highway.

(3) Cause interference with, or damage or hazard to, public travel.

(c) **Water Storage.** No person shall store or distribute water for any purpose so as to permit it to overflow onto, to saturate by seepage, or to obstruct any County highway.

(d) **Acts Requiring Permit.** No person without a permit shall cause or permit the following:

(1) Maintain or, if already existing, continue to maintain any obstruction of any drainage facility lying partly or wholly within, across, under, or above any County highway.

(2) Permit to be deposited in any drainage facility in any County highway any material or substance, including dirt, soil, weeds, trash, rocks, or any other substance which would tend to impede the drainage of water.

(3) Alter, construct, obstruct, constrict, or enlarge any drainage facility within any County road right-of-way by increasing or decreasing the amount, extent, nature, or direction of flow of water along any drainage facility.

(4) Decrease or increase, enlarge or construct, heighten or deepen, or in any other fashion change the drainage facilities on private property or public property facilities on private property or public property adjacent to any drainage facility along or across any County highway so as to prevent the natural or ordinary drainage of waters along the highway or so as to place an extraordinary burden on the capacity of any drainage facilities along any County highway.

(Ord. 3675)

9-1145.4 DRIVEWAY PERMITS.

Encroachment permits are required for the erection or construction of any facility or for alterations or moving of any existing facilities within the County right-of-way. They shall be applied for and secured from the Office of the Director of Public Works or at other offices that may be designated by the Director of Public Works for these purposes where employees or representatives of the Director of Public Works may be authorized to issue these permits.

(a) Administration.

(1) The Director of Public Works shall have the following powers and duties in administering and enforcing this chapter:

(A) The issuance of permits.
 (B) Enforcement of related state laws as well as this chapter.

(C) Keeping of accurate records.
 (D) The preparation and adoption of the forms, rules, and regulations that may be reasonably necessary for the proper enforcement of this chapter, including requirements for the submission by applicants for permits of plans and specifications, informal or formal, that may be deemed necessary for the proper location and construction of the various types of drainage facilities.

(E) The inspection of construction and operation of drainage facilities. For this purpose the Director of Public Works or his authorized representative shall have the power of a police officer, including the right of entry on private property, the right to stop construction operations, and the right to clear out or open up the stoppage of any drainage facility if the stoppage is deemed contrary to this chapter and does or may endanger public health, safety, and the general welfare.

(F) Other powers and duties, related to the foregoing, that may be reasonably necessary for the proper administration and enforcement of the provisions of this chapter.

(2) The Director of Community Development shall be empowered to issue driveway encroachment permits and transportation permits for moving mobile homes and conventional houses.

(b) **Notice to Remove Encroachment.** If any encroachment exists in, under, or over any County highway, road, or land, the Director of Public Works may require the removal of the encroachment in the manner provided hereinafter.

Notice shall be given to the owner, occupant, person in possession of the encroachment, or any other person causing or allowing the encroachment to exist by serving on him a notice containing a demand for the immediate

removal of the encroachment from within the highway. The notice shall describe the character and location of the encroachment with reasonable certainty. In lieu of service on the person, service of the notice may also be made by registered mail or by posting, for a period of five (5) days, a copy of the notice on the encroachment described in the notice in a manner that will not interfere with the use of the highway. In case the owner, occupant or person in possession is not present in the County, notice may be given to his agent in lieu of service by mailing or posting.

(c) **Removal of Encroachment.** The Director of Public Works may immediately remove from any county highway any encroachment which:

(1) Is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within five (5) days after the service of the notice.

(2) Obstructs or prevents the use of the highway by the public.

(3) Consists of refuse.

(4) Is an advertising sign of any description unless the advertisement is a notice posted as required by law.

(d) **Recovery of Costs.** The Director of Public Works may remove any encroachment on the failure of the owner to comply with the notice of demand of the Director of Public Works under the foregoing section and shall have an action to recover the expenses of the removal, costs and expenses of suit, and, in addition, the sum of ten dollars (\$10.00) for each day the encroachment remains after the expiration of five (5) days from the service of the demand.

(e) **Abatement Action: Recovery of Penalty.** If the owner, occupant, person in possession of the encroachment, the person causing or suffering the encroachment to exist, or the agent of any of them, disputes or denies the existence of the encroachment or refuses to remove or permit the removal of the encroachment, the Director of Public Works, in the name of the County, may commence, in any court of competent jurisdiction, an action to abate the encroachment as a public nuisance. If judgment is recovered by the Director of Public Works, he may, in addition to having the encroachment adjudged a nuisance and abated, recover ten dollars (\$10.00) for each day the encroachment remains after the service of the notice in the manner provided in the foregoing sections and may also recover the costs and expenses incurred in the action. This remedy is cumulative and does not exclude punishment for the violation of this Chapter as otherwise provided in this Chapter.

(f) **Disposition of Recovered Money.** All money recovered under the provisions of this chapter shall be

paid into the Road Fund which is available to the Director of Public Works for highway purposes.

(g) **Procedures Not Exclusive.** Procedure provided in this chapter is not exclusive and shall not prohibit the Director of Public Works or other County officers and departments from exercising any other remedy provided by law to prevent damage to or protect any County highway or to collect the damages therefrom.

(h) **Violation: Penalties.** In case of violations, appropriate procedures may be taken for the abatement, removal and restraint of any actions taken in violation of the provisions. Penalties shall be as specified in Section 9-1905.4, with the correction period reduced to five (5) days.

(i) **Liability of County.** This chapter shall not be construed to impose on the County any liability or responsibility for damage resulting from drainage obstruction, nor shall the County or any County official or employee be held to assume any such liability or responsibility by reason of any inspection authorized under this chapter, by reason of any failure to make the inspection, or by the granting or denial of any permit. (Ord. 3675)

9-1145.5 DRIVEWAYS.

It is unlawful to build or thereafter maintain any private or public driveway of ingress to or egress from land adjacent to a County highway without first having secured a driveway encroachment permit from the Director of Public Works. In no case shall a permit for construction permit the drainage facility along any County highway to be obstructed so as to impede the proper flow of drainage waters. Unless otherwise specified, driveways shall be constructed in accordance with San Joaquin County Improvement Standards. At a minimum, driveways shall be paved with asphalt concrete from the existing edge of pavement to the property line. (Ord. 3675; Ord. 3832 § 39, 1995)

CHAPTER 9-1150

ROADWAYS

Sections:

- 9-1150.1 **Intent.**
- 9-1150.2 **General Requirements.**
- 9-1150.3 **Roadway Functional Classification.**
- 9-1150.4 **Traffic Studies.**
- 9-1150.5 **Dedications.**
- 9-1150.6 **Part-Width Road Improvements.**
- 9-1150.7 **Alleys.**
- 9-1150.8 **Bikeways.**
- 9-1150.9 **Pedestrian Way.**
- 9-1150.10 **Walls and Noise Barriers.**
- 9-1150.11 **Roadway Lighting.**
- 9-1150.12 **Roadway Alignments.**
- 9-1150.13 **Cul-de-Sac Streets.**
- 9-1150.14 **Private Rights-of-Way Improvements—Existing Lots.**
- 9-1150.15 **Private Rights-of-Way Improvements—New Lots.**
- 9-1150.16 **Antiquated Subdivision.**
- 9-1150.17 **Public Access to Waterways.**
- 9-1150.18 **Road Naming Procedures.**

9-1150.1 INTENT.

The intent of this Chapter is to specify the requirements for roadways in new development projects and projects on existing parcels where no discretionary permits are required. (Ord. 3675)

9-1150.2 GENERAL REQUIREMENTS.

The following General Requirements shall apply to all development projects.

(a) **Design and Dedication.** All roads in a development project shall be designed and constructed in accordance with San Joaquin County Improvement Standards and shall be offered for dedication as public roads unless the Review Authority approves the use of private roads within the development project. Private roads shall be designed and constructed to the same standards as county maintained roads.

(b) **Access to Parcels.** All projects involving new nonagricultural structures or the expansion of existing nonagricultural structures by twenty-five percent (25%) or more, except existing residential structures, shall have, at a minimum, access to a publicly maintained road, by one of the following methods:

(1) Direct frontage on a County, city, or State maintained road. The frontage of the project shall be designed and constructed in accordance with the provisions of this Chapter and the standards of the agency with jurisdiction of the road.

(2) Access to a County, city, or State maintained road by a private right-of-way approved under the provisions of 9-1150.14;

(3) Access to a County, city, or State maintained road by a private right-of-way or easement approved as part of a major or minor subdivision and improved to the specifications in 9-1150.15; or

(4) Frontage on a public or private road in an antiquated subdivision improved to the standards specified in 9-1150.16.

(c) **Project Frontage.** The frontage for a development project shall meet the following requirements:

(1) For lots along a public or private road, the developed frontage shall be equal to at least the minimum lot width required by the zone in which the lot is located;

(2) For lots within proximity of an intersecting road, defined as a distance which is less than the minimum width of the zone in which the lot is located, the developed frontage along the public or private road shall be at least equal to the minimum lot width required by the zone in which the lot is located plus the extension to the corner of the intersecting road, including the return area; or

(d) **Improvement Required.**

(1) **Development Projects.** The developer shall improve all existing and proposed roads which are a part of the development project or are required to serve the development project in accordance with the requirements of this Chapter. Only development projects that generate fifty (50) or more vehicles per day will be required to improve the frontage. Development projects in Agricultural Zones will be limited to standards for one-half (½) of fifty (50) foot rural road improvements.

(2) **Projects in Antiquated Subdivisions.** For new, nonagricultural structures or projects that increase the floor area of existing nonagricultural structures by twenty-five percent (25%) or more, except existing residential structures, all roads shall be improved as specified in Section 9-1150.16.

(3) **Other Projects.** Where the land is subdivided in an area designated for urban or rural community or other commercial, industrial, or residential development by the General Plan, or is zoned AL-5, frontage improvements shall be provided.

(4) **Deferred Improvements.** At the option of the Director of Public Works, the improvements required by this section may be deferred upon execution of a De-

ferred Frontage and Roadway Improvement Agreement and payment of the required processing fee. At the option of the owner, he/she may execute a secured deferred frontage and roadway agreement with a deposit of the estimated improvement costs into a trust account to avoid placing an encumbrance on the property.

(5) **Payment Instead of Improvements.** If any improvement to be performed is located on a portion of highway of which the County is contemplating improvement, the Director of Public Works may elect to improve the portion thereof otherwise required to be improved by the subdivider. In such event, the subdivider shall, prior to the approval of the final map, enter into an Improvement Participation Agreement per Section 9-1100.3(j)(2) and pay to the County, in full discharge of the subdivider's obligation herein provided for, a sum equal to the estimated cost to the County of performing the improvement required to be performed by the subdivider. The improvement to be performed by the County shall be done at the time the County improves the highway. (Ord. 3675; 3715; Ord. 3843 § 21, 1995)

9-1150.3 ROADWAY FUNCTIONAL CLASSIFICATION.

The following roadway functional classifications and characteristics are to be used in conjunction with the Circulation Element of the General Plan for San Joaquin County. The Director of Public Works may modify the required right of way width and lane configuration of a roadway as special conditions may warrant.

(a) **Freeways.**

(1) Multi-lane divided highways with no direct access to abutting properties and which have grade separations at intersections. Interchanges with freeways, expressways, arterials, or rural roads only.

(2) Serves as the primary type of intercity or community highway carrying traffic between urban communities.

(b) **Expressways.**

(1) Highways which generally provide no direct access to abutting properties. The primary purpose of an expressway is to carry through traffic with minimum interference with adjacent development. Intersections are limited to freeways, expressway, major and minor arterials, and rural roads only. Intersections are usually no closer than one-quarter mile.

(2) Serves as intercity or intercommunity highway carrying primarily through traffic.

(3) May be two (2) lane undivided highway in rural area or multi-lane divided highway in urban area.

(4) Requires minimums of eighty-four (84) foot wide right-of-way in rural areas and one hundred ten

(110) foot wide right-of-way in urban areas with additional widening for turn lanes at intersections. On-street parking is prohibited.

(c) **Major Arterials.**

(1) Four (4) to six (6) lane divided roads with intersections at grade, and partial control of access.

(2) Serves as the highest type of facility carrying local traffic within urban communities and as a principal carrier of traffic between communities. Within urban communities, these roads serve as principal access routes to shopping areas, places of employment, community centers, recreational areas, other places of assembly, and freeways. Between communities, they serve as principal access routes to places of employment, recreation areas, and freeways.

(3) Traffic capacity of approximately forty-five thousand (45,000) vehicles per day for a six (6) lane facility, and thirty-five thousand (35,000) vehicles per day for a four (4) lane facility.

(4) Requires minimum one hundred ten (110) foot wide right-of-way with widening for turn lanes at major intersections. On street parking is prohibited.

(5) Access to abutting properties is prohibited, except commercially or industrially zoned properties may be allowed access subject to a Special Purpose Plan or, in lieu of such a plan, a design approval of the Director of Public Works. Direct access is prohibited from abutting residential zoned properties. Exceptions may be made for existing development.

(d) **Minor Arterials.**

(1) Undivided four (4) lane roads with intersections at grade, and partial control of access.

(2) Serves as a secondary type of arterial facility carrying local through traffic within urban communities. Minor arterials frequently serve as access to shopping areas, employment centers, recreational areas, and places of assembly.

(3) Traffic capacity of approximately twenty-five thousand (25,000) vehicles per day.

(4) Requires minimum eighty-four (84) foot wide right-of-way with widening for turn lanes at major intersections. On-street parking is allowed.

(5) Access from abutting single family residential properties is prohibited. Access from commercial, industrial, and multi-family properties is allowed with approval of access design by the Director of Public Works. Exceptions may be made for existing development.

(e) **Collectors.**

(1) Two (2) lane undivided roads with intersections at grade, and designed to take a minimum interference of traffic from driveways.

(2) Collector roads provide principal access to local residential, commercial, and industrial roads and funnel traffic to arterial and minor arterial streets.

(3) Traffic capacity of about seven thousand (7000) vehicles per day for collectors in residential neighborhoods is limited not by the physical capacity of the road section but rather by the desirability of maintaining an acceptable traffic level which will not adversely affect residential neighborhood qualities. Traffic capacity for collectors in commercial and industrial areas is about ten thousand (10,000) vehicles per day.

(4) Requires sixty (60) foot wide right-of-way. On-street parking is allowed.

(5) Provides access to adjacent parcels.

(f) **Local Residential Road.**

(1) Two (2) lane undivided roads with intersections at grade and with frequent driveway access.

(2) Local roads provide access to adjacent residential lots and feed traffic to collectors.

(3) With traffic capacity of less than two thousand (2,000) vehicles per day and limited to one-half mile between collectors.

(4) Requires fifty (50) foot wide right-of-way. On-street parking is allowed.

(5) Provides access to all adjacent parcels.

(g) **Local Commercial and Industrial Roads.**

(1) Two (2) lane undivided roads with intersections at grade and controlled driveway access.

(2) Commercial and industrial roads are designed to provide direct access to adjacent commercial and industrial properties and to feed traffic to arterials and minor arterials.

(3) Traffic capacity of less than seven thousand (7000) vehicles per day.

(4) Requires sixty (60) foot wide right-of-way. On-street parking is prohibited near intersections and driveways.

(5) Provides access to commercial and industrial properties.

(h) **Rural Residential Roads.**

(1) Rural Residential roads are two (2) lane undivided roads with intersections at grade and with driveway access to abutting residential lots. A maximum of sixteen (16) existing or potential lots will be served by Rural Residential Roads.

(2) Rural Residential roads provide access to residential development within Rural Residential zones, agricultural zones, and Planned Development zones with appropriate approvals.

(3) Rural Residential roads have traffic capacity of about two thousand (2000) vehicles per day, but

seldom carry more than two hundred (200) vehicles per day.

(4) Rural Residential roads require a fifty (50) foot wide right-of-way and function as a Cul-De-Sac, Continuous Loop, Private Right-of-Way, or Connector of Rural roads. Rural Residential roads cannot be used as an interconnecting street to provide through traffic circulation between existing or planned collectors or higher classes of roadway

(i) **Rural Roads.**

(1) Rural roads are two (2) lane undivided roads with intersections at grade.

(2) Rural roads provide local access to agricultural properties outside of the urban centers. They also may function as collector or arterial roads in the rural county areas by providing access to freeways and acting as a primary route between urban and rural centers.

(3) The traffic capacity of rural roads is about ten thousand (10,000) vehicles per day, but most seldom carry more than two thousand (2,000) vehicles per day.

(4) Requires fifty (50) foot wide right-of-way.

(j) Sidewalks shall be required on all functional classifications in urban and rural communities, except in rural residential areas and industrial areas. Sidewalks may be waived by the Director of Public Works if it can be demonstrated that there is no pedestrian traffic.

(Ord. 3675, 3788)

9-1150.4 TRAFFIC STUDIES.

Traffic studies may be required by the County to adequately assess the impacts of a development project on the existing and/or planned street system.

(a) **When Required.** Unless waived by the Director of Public Works, the County shall require a Traffic Study for a development project when traffic caused by the development project is expected to exceed fifty (50) vehicles during any hour.

At the request of the Director of Public Works or Review Authority, the County shall require a Traffic Study for a development project when traffic caused by the development project is expected to be greater than fifty (50) vehicles during any hour. A Traffic Study will generally not be required for less than fifty (50) vehicles per hour unless warranted by special circumstances.

The County may require a supplemental Traffic Study if, after preparing an original Traffic Study for any development project, the property's use is changed so that total trip generation is expected to increase by more than fifteen percent (15%).

(b) **Contents of Traffic Studies.** To provide consistency and to facilitate review of Traffic Studies, the format outlined in the San Joaquin County Improvement

Standards will be followed in the preparation of such studies.

(c) **Responsibility for Traffic Studies.** The County will prepare or contract for preparation of any required Traffic Studies.

(d) **Payment.** The developer shall deposit with the County funds for all costs prior to the County preparing any required Traffic Studies in conformance with the current fee schedule.

(Ord. 3675, 3715)

9-1150.5 DEDICATIONS.

Dedication of public rights-of-way for development projects shall be as follows:

(a) **Widening Existing Rights-of-Way.** On parcels less than forty (40) acres, developers or any applicant for a building permit for a new nonagricultural building or a twenty-five percent (25%) or more expansion of an existing nonagricultural building, that generates an additional twenty (20) or more vehicles per day shall dedicate rights-of-way, or make an irrevocable offer of dedication at the discretion of the Department of Public Works, for widening existing public roads across the project frontage in accordance with Section 9-1150.5(e).

(b) **Subdivision.** Where any subdivision creates a parcel of land with three hundred thirty (330) feet or less of frontage on a public roadway, or the land is designated urban or rural community or other commercial, industrial, or residential development by the General Plan, or is zoned AL-5, dedication will be provided.

(c) **New Rights-of-Way.** Developers shall dedicate rights-of-way for new public roads within a development project in accordance with Section 9-1150.5(e).

(d) **Off-site Rights-of-Way.** Developers shall obtain off-site rights-of-way where required for the project by the Review Authority, subject to the provisions of Section 9-1100.9.

(e) **Dedication Width.** Right-of-way widths shall be dedicated as follows:

(1) In conformity with the General Plan, a Master Plan, a Specific Plan, or a Special Purpose Plan, the width shall be as specified in this Chapter and the San Joaquin County Improvement Standards for a roadway of that functional classification.

(2) For roads which are not indicated in the General Plan, Specific Plan, or Special Purpose Plan, widths shall conform to the requirements of Section 9-1150.3, with the functional classification determined by the Director of Public Works.

(3) If the existing right-of-way is equally divided by the original property line or section line, then the required dedication shall be no more than one-half

(1/2) of the amount needed to achieve the total required road width.

(4) If the existing road was taken entirely off the property to be developed and is wider than half (1/2) of the total planned width, then no additional right-of-way shall be required.

(5) If the existing right-of-way was taken entirely off the property on the opposite side of the road from the development project, then the required widening shall be equal to the total amount of the widening needed to achieve the total planned road width.

(6) Where topography or existing improvements, such as a railroad right-of-way, make it impractical to comply with the above sections, the Director of Public Works shall establish criteria for right-of-way dedication and roadway widening.

(e) **Access Rights.** When any development project abuts an arterial or expressway, access shall be restricted to the roadway, except where access is delineated on a Special Purpose Plan. The developer shall dedicate to the County access rights in the area of restricted access. When access to a roadway is restricted, vehicular access to the property must be provided by another public roadway.

(Ord. 3675; 3715; Ord. 3843 § 22, 1995)

9-1150.6 PART-WIDTH ROAD IMPROVEMENTS.

New roads within development projects shall be dedicated and improved to their full width except as follows:

(a) **Expressways, Major Arterials, and Minor Arterials.** The Review Authority may allow less than full width improvement on expressways and major and minor arterials within or fronting development projects when the expressways and arterials are not required to meet existing and projected traffic demands.

(b) **Local and Collector Roads.** The Review Authority may allow less than full width improvements on local and collector roads along the boundary of a development project except that the roads shall be improved to a minimum of one half street on the project side, plus one twelve-foot wide lane and graded shoulder on the other side.

(Ord. 3675)

9-1150.7 ALLEYS.

Public alleys are not allowed in new development projects. For development projects along existing alleys, improvements to the alleys may be required at the discretion of the Review Authority.

(Ord. 3675)

9-1150.8 BIKEWAYS.

Where a development project adjoins a planned bike path as shown on the General Plan, Specific Plan, County Bicycle Plan, or Special Purpose Plan, the developer shall dedicate and improve the bike path to the standards set forth in the San Joaquin County Improvement Standards. The maximum width of the bike path shall be twenty (20) feet for the bike path and landscaping. In some areas, road widening for on-street bike lanes may be required in lieu of separated bike paths. Right-of-way widths as shown in this Chapter shall be adjusted to accommodate bike paths or bike lanes when required. The developer may be required to dedicate land for bicycle paths for use by the residents of a subdivision in accordance with Section 66475.1 of the Subdivision Map Act.

(Ord. 3675)

9-1150.9 PEDESTRIAN WAY.

When required by the Review Authority, pedestrian ways for access to schools, recreation areas, or other public areas shall be improved with sidewalk, landscaping, and fencing. Sidewalks in the public right-of-way may be eliminated if other pedestrian ways are approved by the Review Authority to provide access to each parcel. The design shall be determined at time of approval of a development project.

(Ord. 3675)

9-1150.10 WALLS AND NOISE BARRIERS.

In all residential zones, the developer shall provide a fence or wall outside of the right-of-way along any public roadway to which access is prohibited. In all but the Rural Residential Zone, the wall shall be a minimum of six (6) feet high, of uniform design and constructed of masonry. For infill or small-scale projects, these requirements may be deferred at the option of the Community Development Director.

Where noise barriers are required for a development project, they shall be included in the improvement plans and any applicable Specific Plan or Special Purpose Plan.

(Ord. 3675)

9-1150.11 ROADWAY LIGHTING.

Roadway lighting systems are required for all development projects in all urban communities, highway service, commercial recreation, and isolated industrial areas. Intersection lighting is required for all development projects in rural communities and other areas of nonagricultural development. Roadway lighting is not required in agricultural zones. Developments on existing parcels in commercial or industrial zones shall meet the roadway lighting requirements of this Section. Roadway lighting

shall be designed in accordance with the San Joaquin County Improvement Standards. New development projects shall either annex to an existing Landscape/Lighting Assessment District or County Service Area, or form a new County Service Area for ongoing lighting maintenance.

(Ord. 3675)

9-1150.12 ROADWAY ALIGNMENTS.

The road system within a proposed subdivision shall be designed in accordance with the following criteria:

(a) **Alternate Access.** Any lot within the subdivision shall be reached by alternative routes except for stub streets and cul-de-sacs as provided in Section 9-1150.13.

(b) **Stub Streets.** Where a subdivision abuts an undeveloped area designated in the General Plan for similar development, stub streets shall be designed to serve the adjacent area unless the review authority determines that the area is adequately served by existing roads or it is physically impossible to provide access to the area from the proposed subdivision. Temporary improved turnarounds will be required at the end of stub streets.

(c) **Energy Conservation.** The design of subdivisions, to the extent feasible, shall incorporate energy conservation principles for future passive heating and cooling orientation of structures.

(d) **Intersection Offsets.** Streets located on opposite sides of an intersecting street shall have their center lines directly opposite each other; otherwise, the centerlines shall be separated by not less than that specified in the San Joaquin County Improvement Standards. In all cases the improvements shall be aligned to the satisfaction of the Director of Public Works.

(e) **Continuation of Existing Streets.** New subdivision streets which are continuations of existing streets shall be aligned so that their center lines coincide. In cases where straight continuations are not physically possible, center lines shall be continued by curves.

(Ord. 3675, 3697, 3715)

9-1150.13 CUL-DE-SAC STREETS.

Cul-de-sac streets may be allowed as follows:

(a) **Maximum Length.** Cul-de-sac streets shall have a length not exceeding five hundred (500) feet to one thousand (1,000) feet, varying inversely with the density of the development, and shall serve no more than twelve (12) lots, except where existing physical conditions make such limitations of length impractical. In agricultural zoning districts, the maximum length shall not exceed one-half mile. In no case shall more than sixteen (16) of the dwelling units be served by a cul-de-sac street. The length of the

cul-de-sac is measured from the centerline of the intersecting street to the radius point of the cul-de-sac bulb.

(b) **Turnaround.** Cul-de-sac streets shall be terminated by an improved turnaround having a right-of-way radius of fifty (50) feet in accordance with San Joaquin County Improvement Standards, except where existing physical conditions make such limitation of radius impractical.

(Ord. 3675, 3697, 3715)

9-1150.14 PRIVATE RIGHTS-OF-WAY IMPROVEMENTS—EXISTING LOTS.

Private rights-of-way approved by the County to provide access to existing lots not within an antiquated subdivision, shall be subject to an Improvement Plan, in accordance with the following criteria:

(a) The entire length of the private right-of-way, and any required secondary method of access, from a maintained County, city, or state road to the driveway serving the development shall be constructed and maintained to the standards required by the California Fire Code and applicable San Joaquin County Improvement Standards;

(b) In agricultural areas, as designated in the General Plan, any private right-of-way that exceeds one-half (1/2) mile in length or serves more than sixteen (16) lots shall have a secondary method of access. The requirement for secondary access may be waived in areas designated General Agriculture in the General Plan if the Director finds that physical conditions make the provision of secondary access impractical; and

(c) In nonagricultural areas, as designated in the General Plan, any private right-of-way that exceeds the length of cul-de-sacs provided for in 9-1150.13 shall have a secondary method of access.

(d) Island parcels which are served by a navigable waterway, where such waterway provides the only surface access to the parcel.

(Ord. 3675; 3715; Ord. 3832 § 40, 1995; Ord. 3843 § 7, 1995; Ord. 4206 § 1 (part), 2004; Ord. 4368 § 35, 2009)

9-1150.15 PRIVATE RIGHTS-OF-WAY IMPROVEMENTS—NEW LOTS.

Private rights-of-way approved by the County to provide access to lots created by major or minor subdivisions shall be submitted with an application for a subdivision and comply with the following criteria:

(a) In agricultural areas, as designated in the General Plan, any private right-of-way that exceeds one-half (1/2) mile in length or serves more than sixteen (16) lots shall have a secondary method of access. The requirement for

secondary access may be waived in areas designated General Agriculture in the General Plan if the Director finds that physical conditions make the provision of secondary access impractical;

(b) In nonagricultural areas, as designated in the General Plan, any private right-of-way that exceeds the length provided for in Section 9-1150.13 or serves more than twelve (12) lots shall have a secondary method of access;

(c) The entire length of the private right-of-way, and any required secondary method of access, from a maintained County, city, or State road to the driveway serving the development shall be constructed and maintained to the standards required by the California Fire Code and applicable San Joaquin County Improvement Standards;

(d) A maximum of six (6) existing and/or potential lots may be served by the private right-of-way or the private right-of-way shall be improved to San Joaquin County Improvement Standards for public roads; and

(e) If it is found in the review of the tentative map that in the future it may be necessary to include the right-of-way in the County's road system, the applicant shall make an irrevocable offer of dedication of the right-of-way to the County and execute a Deferred Frontage and Roadway Improvement Agreement.

(Ord. 3675, 3715; Ord. 4206 § 1 (part), 2004; Ord. 4368 § 36, 2009)

9-1150.16 ANTIQUATED SUBDIVISION.

Public roads or private rights-of-way in antiquated subdivisions may provide access to existing lots subject to the following criteria:

(a) The roads shall be improved to minimum rural residential road standards and an irrevocable offer of dedication is made to the County; or

(b) If access is to be provided by a private right-of-way, individual lots may be developed subject to an approved Site Approval Application if the following criteria are met;

(1) The entire frontage of the lot is improved to rural residential road or rural road standards or deferred pursuant to Section 9-1150.2 (c)(4);

(2) The road is improved, at a minimum, to the requirements of the California Fire Code and applicable San Joaquin County Improvement Standards from the lot to a County, city, or State maintained road;

(3) If the road exceeds one-half (1/2) mile in length or serves more than sixteen (16) lots, a secondary method of access improved to the standards described in Subsection (b) (2) must be provided; and

(4) An irrevocable offer of dedication is made to the County.

(Ord. 3675, 3715, 3788; Ord. 4368 § 37, 2009)

9-1150.17 PUBLIC ACCESS TO WATERWAYS.

Whenever a subdivision adjoins a public waterway, and reasonable public access is unavailable within a reasonable distance therefrom as determined by the Review Authority, the developer shall provide access to said waterway by means of a public roadway, pedestrian way, or bikeway. In accordance with Section 66478.1 et. seq. of the Government Code, said access shall include an easement along a portion of the bank of the waterway. The Review Authority shall determine the design and location of the access based on the following considerations:

(a) **Means of Access.** Access may be by vehicle, foot, or other means;

(b) **Development Size.** The size of the development;

(c) **Public Access.** The proximity of public access to the resources;

(d) **River Bank Type.** The type of river bank and its appropriate recreational, educational, and scientific uses;

(e) **Trespass.** The likelihood of trespass on private property and reasonable means of avoiding such trespass; and

(f) **Levees.** The existence of levees and the primary purpose of the levees shall be flood control. For the purposes of this section, the definition of public waterway shall be as defined in Section 66478.4 of the Government Code.

(Ord. 3675)

9-1150.18 ROAD NAMING PROCEDURES.

The following procedures shall be used in the naming of public or private roads:

(a) **Tentative Map Review.** Where the new road is proposed as part of a tentative map, the applicant shall submit with the tentative map the proposed names for new roads. As part of the review of the tentative map, the Review Authority shall ensure that the proposed name is consistent with the Community Development Department's road name standards. Those names not consistent with the standards shall be identified, and the applicant shall submit alternate name(s). The review of the alternate name(s) shall be the same as described above. The Review Authority for the tentative map is authorized to officially name any new road which is consistent with the adopted road naming standards.

(b) **Other New Roads.** Where a new road is proposed that is not part of a tentative map, the Board of Supervisors shall officially name the new road at the time the road is accepted as a public highway. The name shall

be consistent with the Community Development Department's road naming standards.

(c) **Road Name Changes.** Requests for the renaming of existing roads shall follow the procedures for a public hearing as described in Chapter 9-220, with the following modifications:

(1) Applications may be filed by any interested person;

(2) Notification shall be by United States mail to all owners of property fronting on or with direct access to the road, and a minimum of three (3) notices posted along the road;

(3) The Planning Commission is authorized to officially rename any existing road if the new name is consistent with the adopted road naming standards.

(Ord. 3675)

CHAPTER 9-1155

UNDERGROUND UTILITIES

Sections:

9-1155.1

Intent.

9-1155.2

Utility Distribution Facilities.

9-1155.1 INTENT.

The intent of this Chapter is to specify the requirements for underground utilities.

(Ord. 3675)

9-1155.2 UTILITY DISTRIBUTION FACILITIES.

Utility distribution facilities shall comply with the following requirements:

(a) **Underground Distribution and Transmission.** All utility distribution and transmission facilities supplying electric, communication, or similar service within, or passing through, any development project shall be placed underground. The word "facilities" as used herein shall not include standards used for street lighting, traffic signals, pedestals for police and fire system communications and alarms, pad-mounted transformers, pedestals, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, substations, and facilities used to carry voltage higher than thirty-five thousand (35,000) volts.

(b) **Location for Underground Facilities.** Underground distribution facilities for public utilities shall be located in a public right-of-way or public utility easement. No public utility distribution facilities shall be located outside a public right-of-way or public utility easement except in providing service to the parcel on which they are located.

(c) **Rural Residential Subdivision.** In rural residential subdivisions, the Review Authority may waive the requirement for underground facilities if it finds that such undergrounding is economically infeasible, incompatible with the surrounding area, or impossible because of soil or topography.

(d) **Location of Overhead Utilities.** Overhead utility lines, when permitted by the Review Authority, shall be located in a public utility easement at the rear of lots or parcels and along the side of lots or parcels when necessary. The precise location is to be approved by the Department of Public Works. Poles supporting such overhead lines shall not be installed within any street, alley, way, drainage easement, or flood control channel.

(e) **Timing of Installation.** Any underground utility improvements, installed or to be installed in a subdivision by the subdivider, which cross underneath the right-of-

way of any street, alley, or way shall be installed prior to the improvement of any such street, alley, or way in the subdivision.
(Ord. 3675; Ord. 4035 § 12, 1999)

CHAPTER 9-1160
SOLID WASTE RECYCLING

Sections:

- 9-1160.1 Intent.**
- 9-1160.2 Applicability.**
- 9-1160.3 Exceptions.**
- 9-1160.4 Requirements for Collection and Recycling.**

9-1160.1 INTENT.

The intent of this Chapter is to specify the minimum regulations for enclosures for the collection and loading of recyclable materials for new buildings and for expansion of existing buildings in San Joaquin County.
(Ord. 3756)

9-1160.2 APPLICABILITY.

This Chapter shall apply to the following:

(a) Any construction for which a building permit is required for a commercial, industrial, institutional, or public building, where solid waste is collected for transport.

(b) Any construction for which a building permit is required for a residential building with five (5) or more living units, where solid waste is collected for transport.
(Ord. 3756)

9-1160.3 EXCEPTIONS.

Construction on an existing building that does not increase the square footage of the floor space of the building by more than thirty (30) percent is exempt from the requirements of this Chapter.
(Ord. 3756)

9-1160.4 REQUIREMENTS FOR COLLECTION AND RECYCLING.

The following requirements shall apply to the collection and recycling of solid waste materials:

(a) All applicable construction projects shall have recycling container enclosures which are of sufficient number and aggregate volume to equal one-half (1/2) the number and aggregate volume of the enclosures used for containers to collect and load solid waste at the site. At least one recycling container enclosure shall be provided for any such construction project.

(b) Recycling container enclosures shall be located near the solid waste collection enclosures to facilitate both the collection and loading for transport of recycled materials.

(c) The recycling container enclosure shall include gates that can be locked to prevent theft of the recyclable materials. For buildings where the recycling container enclosures provide the only tenant access to recycling containers, the recycling container enclosures shall be designed to prevent theft of recyclable materials, but not prevent tenants from depositing recyclable materials.
(Ord. 3756)

