

RESOLUTION NO. 93-5

**A RESOLUTION OF THE IRISH BEACH WATER DISTRICT
MODIFYING AND REPLACING RESOLUTION NO. 88-2
REGULATING SEPTIC TANK MAINTENANCE AND INSPECTIONS**

WHEREAS, the Board of Directors of the Irish Beach Water District finds that it is necessary to modify Resolution no. 80-2 and subsequent Resolution 88-2 to make it conform with present policy and practice, Resolution No. 93-5 will read as follows:

WHEREAS, the Board of Directors finds it necessary to charge an administrative fee for maintaining the records and maps pertaining to the inspection and maintenance of septic tanks and sewage disposal units pursuant to the California Water Code and the California Health and Safety Code; and

WHEREAS, the Board of Directors of the Irish Beach Water District finds that it has the lawful authority to establish such administrative fees pursuant to Water Code #35470 and in pursuance of its powers as a Waste Water Disposal Zone (Health and Safety Code #6972); and

WHEREAS, after duly published and posted notice, a public hearing pertaining to the subject matter of this Resolution was held on November 15, 1980, at 10:00am at the Irish Beach Sales Office, Irish Beach, California 95459, at which time oral and written evidence was received and considered by the Board of Directors; and

WHEREAS, at a regular meeting of the Board of Directors held on September 10, 1988, modifications were made in Resolution 80-2 to bring it into harmony with conditions as they then existed, this modified Resolution was passed unananimously and became Resolution 88-2;

WHEREAS, at a regular meeting of the Board of Directors held on September 11, 1993, modifications were made in Resolution 88-2 to bring it into harmony with conditions as they then existed, this modified Resolution was passed unanimously and became Resolution 93-5;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. ADMINISTRATIVE FEE

Since the District maintains septic tank records and many owners do not, the District will mail notices at the beginning of the year to those owners whose tanks need inspection. If the owner of the septic tank or sewage disposal unit arranges for inspection

by a qualified inspector and/or has his/her tank pumped without further notice from the District, no administration fee will be charged. However, the District will require a signed copy (by a qualified inspector) of a satisfactory inspection or a dated receipt verifying that the tank has been pumped.

Failure to provide the District with a timely inspection report or notification of pumping will result in a notice from the District and the imposition of an administrative fee as detailed in the following paragraph.

If the District, in order to fulfill its statutory obligations, will send out an initial notice to an owner that his/her septic tank is due for inspection and/or pumping, no administrative fee will be charged. If the District receives no response to the first notice within four months, a second notice will be sent and a \$20 (twenty dollar) administrative fee will be charged.

If the owner does not respond to the second notice and the District arranges for the inspection of the tank, the District will send the owner the bill for the inspection, and separately charge the owner another \$20.00 (twenty) dollar administrative fee.

Any septic tank or sewage disposal unit pumping or location costs shall be paid directly by the property owner to the firm or individual providing such service to the property owner as set forth in Paragraph 7 of this Resolution.

2. INSPECTOR

Inspections shall be made under the authority of the District by a registered sanitarian or a septic tank operator registered pursuant to Health and Safety Code #25000, et seq.

3. TIME OF INSPECTION

The District will require inspections to be made during the fifth (5th) anniversary year of occupancy of the housing unit or units serviced by the septic tank or sewage disposal unit, and every five years thereafter. There will be a mandatory inspection at any time when the District has reasonable cause to believe that a septic tank or sewage disposal unit is improperly functioning or operating in violation of any rule or order of the California Water Resources Control Board, North Coast Region, or the discharge requirements of this District.

The District will accept the inspection report of the County Environmental Health Department made at the time of installation pursuant to Title 16 (Water and Sewage) of the Mendocino County Code of any new septic tank or sewage disposal unit or at any alteration or removal and replacement. It will be the responsibility of the owner to provide the District with a copy of the County's inspection report at the time of construction.

4. CORRECTION OF DEFICIENT SYSTEMS

In the event that the District finds that any septic tank or sewage disposal unit is not operating in conformance with the orders, rules and standards of the California Water Resources Control Board, California Regional Water Quality Control Board, North Coast Region, or this District, the owner of the real property upon which such deficient system is located shall correct such deficiencies at the owner's sole expense within a reasonable time to be established by the District. At no time shall an owner discharge effluent which does not meet the minimum requirements of the California Water Resources Control Board and the California Regional Water Quality Control Board, North Coast Region, or this District.

5. ABATEMENT

If the owner of any real property upon which is located an on-site septic tank or sewage disposal system fails to properly correct such system as required by the District within the time period specified, the District may either:

- A. Abate such a system as a nuisance; or
- B. Replace or repair such system as necessary.

In either case, abatement or repair and/or replacement, all costs accruing to the District from such action shall be billed to the owner of the real property on which the failed system is located. If not paid in a timely fashion, such costs shall constitute, and be recorded as, a lien against the real property as provided by Health and Safety Code #6979.

6. DEFINITION

"Septic tank and sewage disposal unit or facility" shall include any on-site Waste Water Disposal System as defined by Health and Safety Code #6952.

7. PUMPING

Each septic tank or sewage disposal unit within the District shall be required to be pumped and cleaned whenever an inspection indicates that it is necessary. The standard to be used to determine the need for pumping will be that standard recommended by the Department of Environmental Health of Mendocino County. The pumping will be the responsibility of the owner of the real property on which the system is located. The owner will contract with the licensed pumping agency of his choice.

If the owner fails to provide such required maintenance, in a timely fashion, the District will arrange for this to be done and bill the owner of the property for such service as provided in Paragraph 5 of this Resolution. Alternatively, the District may bring an

abatement action and charge the costs of abatement to the owner as provided in Paragraph 5 of this Resolution.

8. RIGHT OF ENTRY

Pursuant to Health and Safety Code #6977, the authorized inspector of the District or his agent (i.e., a local pumping contractor) shall have right of entry to any premises upon which a septic tank or sewage disposal unit is located within the Irish Beach Water District upon presentation of his credentials to the property owner or the resident shall deny such right of entry to the authorized inspector of the District after presentation of his credentials, the inspector may obtain a warrant pursuant to Title 13, Part 3 of the Code of Civil Procedure (Code of Civil Procedure #1822.50 et seq.).

9. COMPLIANCE WITH COUNTY CODE

Each septic tank or sewage disposal unit within the District shall comply with Title 16 (Water and Sewage) of the Mendocino County Code as such Code now exists or as it is hereafter amended. Failure to comply with the water and sewage provisions of the Mendocino County Code shall be grounds for the District to abate, repair or replace such septic tank or sewage disposal unit pursuant to Paragraphs 4 and 5 of this Resolution.

10. DIAGRAM OF LOCATION OF UNIT

At the time that the newly installed septic tank or sewage disposal unit is being inspected by the County, a diagram must be prepared by the property owner or his agent showing the location of the facility. This diagram must be of sufficient detail and clarity that the tank or sewage disposal unit can be located by the District's on-site inspector or his agent. This diagram will be kept on file by the District. Present property owners within the District must provide the District with a satisfactory diagram showing the location of their tank or sewage disposal unit. If a property owner does not provide the District with an adequate diagram within a reasonable time, the District shall prepare a diagram and bill the owner for the costs incurred in so doing.

11. MARKING OF UNIT

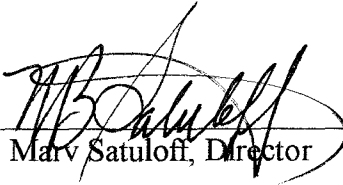
In addition to the required diagram, each property owner shall place a marker over his tank or unit. This marker may be a wooden box or stake or pipe (plastic or metal) that will clearly indicate to the District, or subsequent owners, the location of the unit.

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This Resolutin modifying and replacing Resolution No. 88-2 was duly passed and adopted by the Board of Directors of the Irish Beach Water District, Mendocino County, California, at a duly held meeting on the on the 11th of September, 1993, by the following vote:


IBWD Resolution No. 93-5

AYES _____
NOES _____
ABSTAIN _____
ABSENT _____



Marv Satuloff, Director

ATTEST



~~Roger Aeschliman, Director~~
Rudy Beran, Secretary