



May 12, 2025

Dear Irish Beach Water District Parcel Owner:

Please be advised that at their May 10, 2025 meeting, the Irish Beach Water District Board of Directors voted to pass Resolution 2025-07 Documenting the Decision to Modify and Replace Resolution 93-05 – Regulating Septic Tank Maintenance and Inspections. For your convenience, the full text of the resolution is included below.

Effective June 27, 2025, administrative fees associated with second and final notices for septic inspections will increase to \$56.00 for the second notice and \$37.00 for the final notice. Reconnection fees are unchanged.

Sincerely,

Heather Hackett
Board Secretary, Irish Beach Water District



Resolution Number 2025-07

**Resolution of the Board of the Irish Beach Water District Board of Directors
Documenting the Decision to Modify and Replace Resolution 93-05 – Regulating Septic Tank
Maintenance and Inspections**

WHEREAS, on September 11, 1993, the Irish Beach Water District Board of Directors adopted Resolution 1993-05 establishing standard procedures for regulating septic tank maintenance and inspections; and

WHEREAS, the Board of Directors of the Irish Beach Water District finds that it is necessary to modify Resolution 93-05 to conform with present policy and practice; 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 California Health and Safety Code 6972 and in pursuance of its powers as a Wastewater Disposal Zone; and

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, said administrative fees are not "taxes" as defined in Section 1, paragraph(e) of Article XIII C of the California Constitution (commonly referred to as "Proposition 26") because said fees are imposed for a specific service provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable cost to the District of providing the service; and/or the fee is imposed for a specific government service provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable cost to the District of providing the service; and

WHEREAS, the District's current administrative fees are less than the estimated reasonable cost of materials and labor necessary to maintain records of septic inspections, issue notices, and complete disconnections and reconnections to the water system.

NOW, THEREFORE, BE IT RESOLVED that the procedures regulating Onsite Waste Treatment Systems (AKA Septic) inspections and maintenance are as follows:

DEFINITION: Onsite Waste Treatment Systems (OWTS) include systems used to collect, treat, recycle, or dispose of wastewater as defined by California Health and Safety Code Section 6952.

DOCUMENTING THE LOCATION OF SYSTEM: At the time that the newly installed OWTS is inspected by the County, a diagram must be prepared by the property owner or his agent showing the location of the system. The diagram must be of sufficient detail and clarity for inspectors and the District to locate the system. In addition to the required diagram, property owners are encouraged to mark the location of the OWTS with a stake or pipe that will clearly indicate the location of the System.

RIGHT OF ENTRY: Pursuant to California Water Code Section 35404 and California Health and Safety Code Section 6977, the District or its agent has right of entry to any property that has installed an OWTS upon presentation of his credentials to the property owner or the resident. If entry to the property is denied after presentation of credentials, the District or its agent may obtain a warrant pursuant to Title 13, Part 3 of the Code of Civil Procedure (Code of Civil Procedure Section 1822.50 et seq.).

INSPECTIONS: Per California Regional Water Quality Control Board, North Coast Region, Order No. 93-10 requiring that individual wastewater disposal systems are inspected, the diversion valves turned on systems containing alternate rest fields, and tanks pumped once every five years or as history dictates:

- The inspection is the responsibility of the property owner and may be completed by the licensed contractor of the owner's choice.
- The District requires that property owners provide a copy of the inspection report prepared by Mendocino County pursuant to Title 16 (Water and Sewage) of the Mendocino County Code for any new or replacement OWTS. In addition to the inspection report, owners of new or replacement systems must provide a plot plan showing the exact location of the septic tank in relation to the residence.
- Every five (5) years after installation of the new or replacement OWTS, the District requires inspections to be made by a qualified inspector indicating that the OWTS is in good working condition and verifying that solids have been pumped as necessary to maintain proper function and assure adequate treatment.
- The District may require additional inspections at any time when the District has reasonable cause to believe that an OWTS is not functioning properly.

PUMPING: Each OWTS must be pumped whenever an inspection indicates that it is necessary to maintain proper function and assure adequate treatment.

- Pumping is the responsibility of the property owner and may be completed by the licensed pumping contractor of the owner's choice.

- If the owner fails to complete the required maintenance within a reasonable time, as established by the District, the District may bring an abatement action.

CORRECTION OF DEFICIENT SYSTEMS: Each OWTS in the District will comply with Title 16 (Water and Sewage) of the Mendocino County Code. In the event that the District finds that any OWTS is not operating in conformance with State, County, or District requirements, the property owner will be notified to correct deficiencies at the owner's sole expense within a reasonable time to be established by the District. Failure to comply with these requirements will be grounds for the District to abate the system. At no time shall an owner discharge effluent which does not meet the minimum requirements of the State, County, or the District.

ABATEMENT: If the owner of any property with an OWTS fails to have the system inspected, pumped or repaired as necessary to maintain proper function and assure adequate treatment as required by the District within the time period specified, the District may declare the OWTS a public nuisance.

- Owners of properties which have been declared a public nuisance will be issued a water system disconnection notice.
- Following disconnection of water service, the District will consider filing a complaint with the Mendocino County Department of Environmental Health for failure to maintain an OWTS.
- All costs accruing from the abatement action will be billed to the property owner. If such costs are not paid within the timeframe specified, the delinquent and unpaid charges relating to such property shall be transferred to the unsecured roll for collection as provided by California Health and Safety Code Section 6978.

NOTIFICATION AND ADMINISTRATIVE FEES: The District will mail notices to parcel owners whose OWTS have not been inspected in the last five years:

- No administrative fee will be charged if the owner responds to the initial notice by providing documentation of recent inspection by a qualified inspector indicating that the OWTS is in good working condition and verifying that solids have been pumped as necessary to maintain proper function and assure adequate treatment.
- If the District does not receive the requested OWTS inspection documentation by the due date (120 calendar days from the date of the first notice), a second notice will be issued, and a \$56.00 administrative fee will be charged to the customer's account.
- If the parcel owner does not provide the OWTS inspection documentation by the due date (30 calendar days from the date of the second notice), the District may declare a public nuisance, issue a water system disconnection notice, and charge an additional \$37.00 administrative fee to the customer's account.

AND BE IT FURTHER RESOLVED that from the time of adoption of this resolution, administrative and reconnection fees will be as follows:

	First Notice	Second Notice	Final Notice	Reconnection Fee
Administrative & Reconnection Fees	\$0	\$56	\$37	\$270

AND BE IT FURTHER RESOLVED that the Board of Directors shall review the fees annually in conjunction with the budget formulation process and revise the fee if necessary;

AND BE IT FURTHER RESOLVED that if any section, subsection, clause, phrases, or portion of this resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution.

AND BE IT FURTHER RESOLVED that Resolutions 93-05, 88-02, and 80-02 are rescinded and replaced by Resolution 2025-06.

This resolution becomes effective 45 days after notification by posting on kiosks and the District website, IBWD.org, of the adoption of this resolution. Pursuant to Government Code section 53759, the District shall mail notice of such reconnection fee increase to all landowners in the District that a 120-day statute of limitations period applies to legal challenges to any connection fee increases related to water service.

The foregoing Resolution No. 2025-07 was considered and adopted by the Directors of the Irish Beach Water District at their meeting held May 10, 2025, by the following vote:

Ayes: Director Hackett, Director Israel, Director Ottoboni

Noes: None

Abstain: None

Absent: Director Hohos; Director Kimsey

Dated: May 10, 2025

/s/ Susan Israel
Board President

Attest: /s/ Heather Hackett
Board Secretary