

ORDINANCE NO. 2018-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AND THE BOARD OF DIRECTORS OF THE HESPERIA WATER DISTRICT AMENDING TITLE 14, CHAPTER 14.08, SECTION 14.08.040 OF THE HESPERIA MUNICIPAL CODE TO INCLUDE THE LOCAL AGENCY MANAGEMENT PROGRAM BY REFERENCE.

WHEREAS, the State Water Resources Control Board adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems on June 19, 2012 (OWTS Policy); and

WHEREAS, the OWTS Policy was subsequently approved by the Office of Administrative Law on November 13, 2012 and became effective on May 13, 2013; and

WHEREAS, the OWTS Policy defines a local agency as any subdivision of state government that has responsibility for permitting the installation and regulating of Onsite Wastewater Treatment Systems (OWTS) within its jurisdictional boundaries; and

WHEREAS, the OWTS Policy allows local agencies to continue permitting the installation and regulation of OWTS with the adoption of a Local Agency Management Program (LAMP) and subsequent approval by the Regional Water Quality Control Board (RWQCB); and

WHEREAS, the California Water Quality Control Board Lahontan Region (Lahontan) is the RWQCB for this region; and

WHEREAS, the purpose of the LAMP is to allow the continued use of OWTS within the jurisdiction of the City of Hesperia while addressing proper design, placement, installation, maintenance, and assessment of OWTS for the purpose of protecting groundwater, surface water bodies, and public health; and

WHEREAS, on November 7, 2017, the City Council and Board of Directors of the Hesperia Water District adopted Resolution Nos. 2017-053 and HWD 2017-18 approving the City of Hesperia LAMP and rescinding the Septic Tank Guidelines Memorandum of Understanding (MOU) which was approved by the City Council of the City of Hesperia on February 1, 1990; and

WHEREAS, the Lahontan Board of Directors approved the City of Hesperia LAMP on January 10, 2018; and

WHEREAS, Title 14, Chapter 14.08, Section 14.08.040 of the Hesperia Municipal Code is amended as set forth in Exhibit "A"; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. All of the facts set forth in this Ordinance are true, correct and are adopted as findings.

Section 2. Title 14, Chapter 14.08, Section 14.08.040 of the Hesperia Municipal Code is hereby amended as set forth in Exhibit "A".

Section 3. Except at expressly amended hereby, all other provisions of Title 14 of the Hesperia Municipal Code shall remain in full force and effect.

Section 4. The City Council of the City of Hesperia and the Board of Directors of the Hesperia Water District hereby declares that if any section, subsection, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid by the decision of any court of competent jurisdiction or by any reason of preemptive legislation, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, phrases, words, or portions thereof and shall remain in full force and effect.

Section 5. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 6. The City Clerk shall certify to the adoption of the Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

ADOPTED AND APPROVED this 3rd day of April 2018.



Russ Blewett, Mayor

ATTEST:



Melinda Sayre
City Clerk

Attachment 2

EXHIBIT "A"

14.08.040 - Private sewage disposal systems.

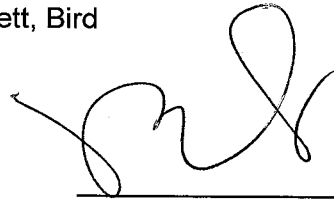
When connection to the public sewer is not required per Section 14.08.020 a private sewage disposal system may be installed.

- A. Private sewage disposal systems shall comply with the provisions of the City of Hesperia Local Agency Management Program, as may be amended from time to time. The provisions of the City of Hesperia Local Agency Management Program, as amended are incorporated herein by reference with the same force and effect as if the provisions therein were specifically and fully set out herein.
- B. Permits for construction and sizing requirements shall be established by the city using requirements from the California Plumbing Code.
- C. Operation and Maintenance. Private sewage disposal systems shall be operated and maintained in a sanitary manner at all times at no expense to the district.
- D. Connection to Public Sewer. Prior to connection to the public sewer the following shall be completed:
 1. The septic tank and seepage pit(s) shall be pumped of all liquids and solids and the pump ticket shall be provided to the city.
 2. The bottom of the septic tank shall be broken and inspected by city.
 3. The lids for the septic tank and seepage pit(s) shall be removed.
 4. The septic tank and seepage pit(s) shall be filled with material approved by the city.
 5. When a building or structure is proposed to be placed within the required setbacks of a private sewage disposal system as defined in the California Plumbing Code, the septic tank and/or seepage pit shall be removed entirely.

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF HESPERIA)

I, Melinda Sayre, City Clerk of the City of Hesperia, California, do hereby certify that Ordinance No. 2018-04 was introduced at a Regular Meeting of the City of Hesperia City Council held on the 20th day of March, 2018 by the following vote to wit:

AYES: Swanson, Russ, Holland, Blewett, Bird
NOES: None
ABSTAIN: None
ABSENT: None



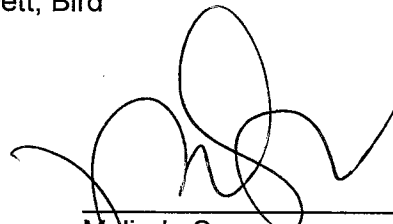
Melinda Sayre
City Clerk

Seal



I, Melinda Sayre, City Clerk of the City of Hesperia, California, do hereby certify that Ordinance No. 2018-04 was duly and regularly adopted at a Regular Meeting of the City of Hesperia City Council held on the 3rd day of April, 2018 by the following vote to wit:

AYES: Holland, Swanson, Russ, Blewett, Bird
NOES: None
ABSTAIN: None
ABSENT: None



Melinda Sayre
City Clerk

Seal



I, Melinda Sayre, City Clerk of the City of Hesperia, California, do hereby certify that the foregoing Ordinance No. 2018-04 is a full, true and correct copy of that now in file in this office.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF THE City of Hesperia, California, this _____ day of _____.

Seal



Melinda Sayre
City Clerk