

**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 3<sup>rd</sup> day of April 2018.

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Russ Blewett, Mayor

ATTEST:

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Melinda Sayre, City Clerk