

# Regulating failed waste-water systems

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# House rules

- \* Cell phones
- \* Interactive discussion
- \* Hand outs

# Quick case study

- \* 57 unit mobile home park
- \* Failed waste water delivery system
- \* Questionable water delivery system
- \* Low income clients with no resources



# Questions

- \* What is the most prevalent issue surrounding regulation of failed systems?
- \* How well does our enforcement process work?
- \* Who can assist us in these deficiencies? How is that relationship?
- \* What industry can indirectly assist us?
- \* At what stage can we detect non-conforming illegal systems?

# Enforcement issues

- \* Cumbersome
- \* Time consuming
- \* Expensive
- \* Ineffective
- \* Does not resolve immediate health/safety issues





# Possible solutions

- \* Codify definition of dwelling to include approved wastewater system through zoning codes
- \* Deem a building with inoperable system unfit to occupy via building code
- \* Adopt an expedited enforcement process



# Codification

- \* **DWELLING** - A building containing one (1) dwelling unit with an *adequate approved sanitary sewage disposal system*.

# Prohibited Occupancy

## SECTION P2602

### INDIVIDUAL WATER SUPPLY AND SEWAGE DISPOSAL

**P2602.1 General.** The water-distribution and drainage system of any building or premises where plumbing fixtures are installed shall be connected to a public water supply or sewer system, respectively, if available. When either a public water-supply or sewer system, or both, are not available, or connection to them is not feasible, an individual water supply or individual (private) sewage-disposal system, or both shall be provided.

## SECTION R306

### SANITATION

**R306.1 Toilet facilities.** Every dwelling unit shall be provided with a water closet, lavatory, and a bathtub or shower.

**R306.3 Sewage disposal.** All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system.

**R306.4 Water supply to fixtures.** All plumbing fixtures shall be connected to an approved water supply. Kitchen sinks, lavatories, bathtubs, showers, bidets, laundry tubs and washing machine outlets shall be provided with hot and cold water.

## DEFINITIONS

**DWELLING UNIT.** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.



# Expedited Enforcement



# Enforcement Issues to Consider

- \* What is the goal?
- \* Costs
- \* Increased volume
- \* Latitude
- \* *Accountability*
- \* *Cant's and wont's*

# Goals.....

- \* Compliance
- \* Education
- \* Positive contacts
- \* Efficiency
  
- \* Never punitive

# Costs

- \* Repeated trips to properties
- \* Excess postage
- \* Wasted man hours
- \* Court costs
- \* Staffing
- \* Paper reduction

# Increased volumes

- \* Growth
- \* Geographical adjustments
- \* Changing expectations
- \* Mandated regulations
- \* Increased litigiousness



# Latitude

- \* Staff discretion
- \* “Big Picture” consideration
- \* Assistance
- \* Separating the “cant’s” from the “wont’s”
- \* Credibility

# Accountability

- \* Integrity of the process
- \* Staff accountability
- \* Consistency

# How it works

- \* One time service and summons (NOV)
- \* Stipulated judgments
- \* Acknowledgement of violations
- \* Administrative continuances
- \* Expedited processing of judgment
- \* Recordation of judgment
- \* Collection of fines
- \* Escrow holdbacks

# Overall benefits to expedited enforcement

- \* Reduced costs
- \* Quicker compliance times
- \* Allow staff to handle more files at one time
- \* Promotes consistency
- \* Reduces “chronic” violators
- \* Reduces court time
- \* Promotes trust with officials and public

# Has it proven effective?

- \* Increased case load by 50%
- \* Decreased staff by one person (\$55,000 savings)
- \* Collected over \$150,000 in fines
- \* Reduced travel, postage and paper costs 40%
- \* Promote legitimacy of process
- \* Increased public trust

# Points to ponder

- \* Enforcement is most effective when a balance of accountability and education is achieved
- \* The best way to get “buy in” is to provide relief to those who may need it
- \* A successful expedited program must include latitude for unique cases
- \* The goal is compliance, not to be punitive

# Pitfalls in relation to Development Departments

- \* Not my job
- \* Territorial attitudes
- \* Lack of common goals
- \* Afraid to step on toes
- \* Lack of viable cooperation



# Overcoming Obstacles

- \* See the big picture
- \* Establish commonality of purpose
- \* Identify shared goals
- \* Identify shared resources
- \* Request assistance, not demand it
- \* Quid pro Quo

At what point is a non-conforming system most easily identified?



# Industry relations

- \* Realtors
- \* Appraisers
- \* Lenders
- \* Title companies
- \* Property inspectors

# Cooperative or adversarial?

- \* They are not the enemy
- \* We all share common goals
- \* Education reduces inquiries
- \* Education reduces mistakes and issues
- \* Creates accountability
- \* Compels disclosure
- \* Builds trust among industry and elected officials
- \* ***Solves problems before they become problems***

# Outreach

- \* Pre-licensing
- \* Continuing education units
- \* Outreach
- \* Trade meetings
- \* Social media

# How did it end?

- \* Prohibited occupancy of 13 homes
- \* Immediate summons to appear in court
- \* Order to close park within 30 days if not resolved
- \* Violations identified on Friday, mitigation began Tuesday
- \* Testing ongoing

# Questions?

