

YAVAPAI COUNTY ORDINANCE NO. 1996-1

**REQUIRING PERC TESTERS TO BE CERTIFIED;
REQUIRING DISCOVERY AND PERCOLATION TEST HOLES TO BE FILLED;
AND PROVIDING PENALTY**

WHEREAS the purpose of this Ordinance is to preserve and secure the health and welfare of the general public, to require all persons conducting percolation tests to display a level of competency, and to prevent dangerous conditions relating to open holes dug for perc testing:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. Certification of Perc Testers: Except as provided in Section 2 below, all persons conducting percolation tests (i.e., the addition of water during the pre-wet phase, the testing phase, and the measurement of the rate at which it drops) shall be certified by the Yavapai County Department of Environmental Services. There shall be no fee for certification and such certification is valid indefinitely unless revoked for good cause by the Yavapai County Department of Environmental Services.

Examination of Perc Testers: All persons seeking to be certified must receive a score of 80 or higher on a written examination administered by the Yavapai County Department of Environmental Services and will be required to display their ability during an actual or simulated perc test in the field.

Effective Date: Certification in accordance with this Ordinance shall be required for all persons conducting perc tests as of February 28, 1996, and thereafter. Yavapai County Environmental Services will not accept results of any percolation tests after February 28, 1996, unless the test has been conducted in accordance with this Ordinance.

Exceptions: Certification shall not be required for Arizona Registered Engineers, Sanitarians or Geologists.

SECTION 2. Site Surveys: Site Surveys will either be conducted by Yavapai County or by an Arizona Registered Engineer or Sanitarian in good standing. The Yavapai County Department of Environmental Services will accept a signed, properly filled out "Request for Individual Liquid Waste Disposal Site Survey" form from an Arizona Registered Engineer or Sanitarian in good standing along with a processing fee of \$35*. The perc test must be conducted in accordance with this Ordinance. All information relating to setbacks, soil suitability, and perc rate necessary to design a septic system must be included on the Site Survey. The form must be stamped, signed, and dated, if submitted by an Engineer and signed, dated and the Sanitarian registration number listed, if submitted by a Sanitarian.

SECTION 3. Site Surveys and Percolation Test Holes: In order for the Yavapai County Department of Environmental Services to evaluate percolation discovery holes, the discovery hole must have a point of approach which is safe from cave-in. A reinforced chain link gate of 4' by 8' spanning the hole is recommended. If a discovery hole is considered to be safe for approach by the Yavapai County inspector, he or she may decline to conduct the Site Survey and require a reinspection when the site is made safe.

Notification by County: The Yavapai County Department of Environmental Services will notify the contractor or other involved individuals within one hour, if possible, after completing the Site Survey. Property owners and contractors must ensure that all discovery and percolation test holes are filled-in within forty-eight hours of notification by the County pursuant to this section.

SECTION 4. Abatement: If a property owner or contractor fails to fill in the discovery or percolation test hole, within twenty-four hours of notification the Yavapai County Department of Environmental Services shall issue a written order to such contractor or property owner to comply with the provisions of the Ordinance and shall serve such person with the order by certified mail or hand-delivery. Failure to comply with the written order within forty-eight hours shall result in prosecution.

Penalty Clause: Any person who violates any provision of this Ordinance shall be guilty of a Class 1 Misdemeanor.

SECTION 5. Unconstitutionality Clause: Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

EFFECTIVE DATE: This Ordinance shall be effective February 28, 1996.

PASSED AND ADOPTED BY THE YAVAPAI COUNTY BOARD OF SUPERVISORS this 29th day of January 1996.

* - New fee of \$45.00 adopted by the Board on November 15, 1999.