

WHEN RECORDED RETURN TO:

COUNTY OF BUTTE
PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
202 MIRA LOMA DRIVE
OROVILLE, CA 95965

SPACE ABOVE FOR RECORDER'S USE

ON-SITE WASTEWATER SYSTEM

ACCESS, INSPECTION, AND PERMITTING NOTIFICATION (AIPN)

Referenced in On-Site Wastewater Manual as "Notice on Deed" and "Licensing Agreement"

Property Identification

Property Owner(s): _____

Property (Site) Address: _____

City State Zip

Trakit Number: _____

APN: _____

Real Property Description: (See Attachment A)

System Type

- Septic tank to pressure distribution dispersal;
- Supplemental treatment to pressure distribution dispersal;
- Other: _____

Purpose of the Notification

The purpose of this Notification is to meet the requirements specified in the Butte County On-Site Wastewater Manual for recordation of a Licensing Agreement, and to protect public health by assuring:

1. Compliance with Chapter 19 of the Butte County Code,

2. Construction and installation of an adequate on-site wastewater system, hereafter called "System," as a condition to the issuance of a building permit for the erection of any residential/commercial structure thereon,
3. Maintenance and renewal of the on-site wastewater system's Operating Permit,
4. Assess to the on-site wastewater system as required for monitoring and maintenance,
5. Operation, maintenance, and monitoring (OM&M) of the on-site wastewater system in a manner consistent with the Butte County On-Site Wastewater Manual, and
6. Information is provided to on-site wastewater system owners wanting more information about the requirements for ongoing permitting, operation, monitoring, and maintenance, and estimated cost for replacement of their on-site wastewater system.

General Provisions

1. The provisions of this AIPN shall bind and inure to the benefit of the heirs, assigns, and successors in interest of the parties hereto in the same manner as if they had herein been expressly named. This AIPN shall remain in full force and effect until such time as the County shall execute a release or until such time as the State of California and the County no longer requires monitoring, inspections, and/or testing of on-site wastewater systems in Butte County.
2. In consideration of the approval of the System by County on the Property, the Owner hereby agrees to defend, indemnify, and hold County, its employees, officers and agents, free and harmless from any and all claims, damages, and causes of action of every kind, including but not limited to, the amounts of judgments, interest, court costs, legal fees, and all other expenses incurred by County arising in favor of any party, including personal injuries, death or damages to property (including employees or property of County) and without limitation by enumeration, all other claims or demands of every character occurring or in any way incident to, in connection with or arising directly or indirectly out of, the approval, inspection, testing, monitoring or other actions by the County pertaining to System, except to the extent County activities are grossly negligent or constitute willful misconduct. This provision is not intended to create any cause of action in favor of any third party against Owner or the County, but is intended solely to provide for indemnification of County as specified above.

Operating Permit Requirement

1. The Owner agrees to maintain a valid Operating Permit for the System, and renew the Operating Permit at the frequency established in the On-Site Wastewater Manual for the type of System maintained.
2. The Owner agrees to utilize a Certified OM&M Specialist to inspect, monitor, and service the System as a condition for Operating Permit renewal and at a frequency specified in the On-Site Wastewater Manual.

Access

1. The Owner grants to the County and its agents, employees, officers and contract persons access to all portions of the Property upon which the System and appurtenances thereto are located.

2. The access shall be for the purpose of inspecting, testing, sampling, placing and removing test devices for the purpose of evaluating and monitoring the System and to investigate the effects of the System or failure thereof.
3. County personnel or designate contract persons shall utilize due care and caution when entering upon the Property and shall not hold Owner responsible for any injuries or damages that may occur while on the Property that could have been avoided with the exercise of due care and caution.
4. Except in the event of an emergency requiring immediate action to protect the public health and safety, the County shall provide Owner reasonable advance notice (generally, a minimum of 24 hours) of its intent to enter upon the property. Entry shall be limited to normal business hours unless otherwise arranged with owner.

Operation, Monitoring, and Maintenance

1. Treatment, dispersal, and designated repair areas on the Property shall be protected for the System in accordance with Chapter 19 of the Butte County Code and the On-Site Wastewater Manual. Generally, the areas shall not be used for corrals, pasturing of large animals, building sites or any other use that would impair the System's operation. Reserve repair installation areas are shown on the plot plan of the approved System design prepared by the Certified Designer and approved by County.
2. For non-compliant systems, additional fees may be charged for administration and enforcement.
3. Costs associated with County abatement action in the event the System fails and Owner does not remedy the failure shall be the responsibility of the Owner. Costs of repair or remediation shall be paid by Owner separate from the costs associated with maintenance of the System's Operating Permit.
4. Nothing in this AIPN shall be construed as requiring County to make any of the improvements described, nor shall any provisions of this AIPN be deemed to preclude any other relief provided by law.

Additional Information

The Owner may obtain additional information from Butte County Environmental Health regarding the System's operation, monitoring, and maintenance and estimated costs of System maintenance and replacement.

I understand that this License is for the limited purpose of monitoring as required by the State of California and/or County of Butte.

IN WITNESS WHEREOF, the parties have executed this AIPN this _____ day of _____, 201____.

Approved as to Form

I have reviewed this Deed Restriction, set forth above, and it is hereby approved for recordation by the property owner.

Signature (Environmental Health Specialist) Date

Printed Name

Property Owner

I certify that I am the owner of record of the Property and agree to be bound by the provisions set forth herein.

Signature

Date

Printed Name

Signature

Date

Printed Name

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Butte

On _____ before me,

Notary Public,

Name & Title of Officer

personally appeared

who proved to me on the basis of satisfactory evidence to be the person (s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand & official seal

Signature of Notary Public

NOTARY SEAL

Attachment A

Parcel Legal Description

(Note: Parcel Legal Description Attached as Page 6)