

ORDINANCE NO. 73-30

AN ORDINANCE TO REGULATE THE CONSTRUCTION, REPAIR, RECONSTRUCTION OR ABANDONMENT OF WELLS WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF DEL NORTE AND INCORPORATING BY REFERENCE PORTIONS OF CHAPTER 11 OF BULLETIN NO. 74 OF THE CALIFORNIA DEPARTMENT OF WATER RESOURCES. "WATER WELL STANDARDS".

The Board of Supervisors of the County of Del Norte do ordain as follows:

There is hereby added to the Del Norte County Code, Section 7.32, which is to read as follows:

SECTION 7.32.010 Purpose

It is the purpose of this ordinance to provide for the construction, repair and reconstruction of wells to the end that the ground water of this County will not be polluted or contaminated and that water obtained from such wells will be suitable for the purpose for which used and will not jeopardize the health, safety or welfare of the people of this County, and for the destruction of abandoned wells or wells found to be public nuisances to the end that such wells will not cause pollution or contamination of ground water or otherwise jeopardize the health, safety or welfare of the people of this County.

SECTION 7.32.020 Acts Prohibited, Permit Required

No person, firm, corporation or special district formed under the laws of this State shall, within the unincorporated area of the County of Del Norte, construct, repair, reconstruct or abandon any well unless a written permit has first been obtained from the County Building Department of Del Norte County as provided in this ordinance.

SECTION 7.32.030 Definitions

As used in this ordinance, the following words shall have the meaning provided in this section:

A. "Well" or "Water Well". Any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. Wells shall not include oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation,

except those wells converted to use as water wells; or wells used for the purpose of dewatering excavations during construction, stabilizing hillsides or earth embankments.

B. "Community Water Supply Well". A water well used to supply water for domestic purposes in systems subject to Chapter 7 of Part II of Division 5 of the California Health and Safety Code.

C. "Individual Domestic Well". A water well used to supply water for domestic needs of an individual residence or commercial establishment.

D. "Industrial Wells". Water wells used to supply industry on an individual basis.

E. "Agricultural Wells". Water wells used to supply water for irrigation or other agricultural purposes, including so-called "stock wells".

F. "Contamination". An impairment of the quality of water to a degree which creates a hazard to the public health through poisoning or through spread of disease.

G. "Repair" or "Reconstruction". The deepening of a well or the reperforation or replacement of a casing.

H. "Pollution". An alteration of the quality of water to a degree which unreasonably affects such waters for beneficial uses, or facilities which serve such beneficial uses. Pollution may include contamination.

I. "Person". As used in this ordinance, the word "person" shall mean any person, firm, corporation or governmental agency.

SECTION 7.32.040 State Reporting

Nothing contained in this ordinance shall be deemed to release any person from compliance with the provisions of Article 3, Chapter 10, Division 7 of the Water Code of the State of California or any successor thereto.

SECTION 7.32.050 Permits

A. Applications: Applications for permits shall be made to the Del Norte County Building Department subject to review and approval by the County Health Department and shall include the following:

(1) A plot plan showing the location of the well with respect to the following items within a radius of 100 feet from the well:

- (a) Property lines.
- (b) Sewage disposal systems or works carrying or containing sewage.
- (c) All intermittent or perennial, natural or artificial bodies of water or watercourses.
- (d) The approximate drainage pattern of the property.
- (e) Other wells.

(2) Location of property, and the Assessor's parcel number.

(3) The name of the person who will construct the well.

(4) The proposed minimum and the proposed maximum depth of the well.

(5) The proposed minimum depths and types of casings and minimum depth of perforations to be used.

(6) The proposed use of the well.

(7) Other information as may be necessary to determine if the underground waters will be adequately protected.

B. Fees. Each application shall be accompanied by a fee of \$20.00.

C. Conditions. Permits shall be issued subject to compliance with the standards provided in this ordinance, except that such standards shall be inapplicable or modified as expressly provided by the Health Officer in such permit upon his finding that such modifications or inapplicability will accomplish the purposes of this ordinance. Permits may also include any other condition or requirement found by the Health Officer to be necessary to accomplish the purposes of this ordinance.

D. Term, Completion of Work. The permittee shall complete the work authorized by the permit within the time and before the date set out in the permit. The permittee shall notify the Building Department in writing upon completion of the work and submit a copy of the well drilling log and no work shall be deemed to have been completed until such written notification and a copy of the well drilling log has been received. A final inspection of the work shall be made by the Building Department unless such inspection is waived by them and no permittee shall be deemed to have complied with this ordinance or his permit until such inspection has been performed or waived.

E. Review and Appeal. Any person aggrieved by the refusal of a permit or the terms of a permit required by this ordinance may appeal in writing to the Board of Supervisors. The Board of Supervisors shall, within twenty (20) days after the filing of an appeal, hold a hearing on said appeal and shall mail notice in writing of the date thereof to the appellant and applicant at least five (5) days before the hearing date. The decision of the Board of Supervisors shall be rendered within ten (10) days after the initial hearing date and shall be binding upon the parties, except that the determinations made by the Health Officer relating directly to the public health may not be over-ruled or modified by the Board of Supervisors.

SECTION 7.32.060 Standards

Standards for the construction, repair, reconstruction, or abandonment of wells shall be as set forth in Chapter II of the Department of Water Resources Bulletin No. 74, "Water Well Standards", with the following modifications:

A. Any well encountering water with a saline taste and where the specific electrical conductance exceeds 1500 micromhos per centimeter shall be sealed by grouting to a level where a four hour pumping test will produce water of acceptable quality.

B. Any well that is abandoned and contains water with a specific electrical conductance in excess of 1500 micromhos per centimeter shall be sealed in such a manner that no water shall escape from the formation bearing saline water.

SECTION 7.32.070 Enforcement

A. Notice. In the event a well subject to this ordinance is constructed or is operated contrary to the terms of this ordinance or a permit issued for such well pursuant to this ordinance, the Health Officer may send written notice to the owner of the land as shown on the most recent equalized assessment roll or the permittee, at his address listed on the permit, which notice shall state the manner in which the well is in violation, what corrective measures must be taken, the time within which such correction must be made and that if the land owner or permittee fails to make corrections within the period provided, the corrections may be made by the County and the land owner or permittee shall be liable for the costs thereof.

B. Abatement by County. If the corrections listed in the notice given pursuant to "A" above, are not made as required in said notice, the Health Officer, with the approval

of the Board of Supervisors and after a reasonable opportunity for the person notified to be heard by said Board, may abate the condition and the cost thereof shall be a charge against the person notified.

C. Emergency Abatement. If the Health Officer finds that the condition or operation of a well subject to this ordinance is, by its operation or maintenance, causing significant irreparable damage to the groundwater and that it is impracticable to notify the owner or permittee, he may abate the condition without giving notice as required in "A" above, and the cost thereof shall be a charge against the owner of the land as shown on the last equalized assessment roll.

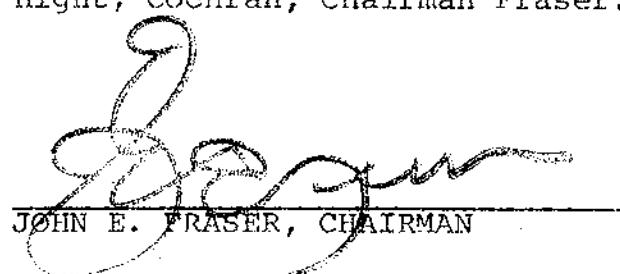
D. Any person who does any work for which a permit is required by this ordinance and who fails to apply for and pay the fee for a permit within five (5) working days after notice from the Health Officer to do so shall be guilty of an infraction, punishable by fine not exceeding Five Hundred Dollars (\$500.00), and such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed continued or permitted and shall be subject to the same punishment as for the original offense.

PASSED by the Board of Supervisors of the County of Del Norte the 12th day of November, 1973 by the following polled vote:

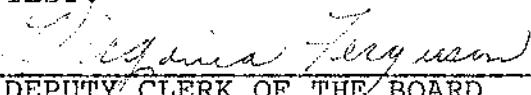
AYES: Supervisors McClendon, Hight, Cochran, Chairman Fraser.

NOES: Supervisor Erickson.

ABSENT: None


JOHN E. FRASER, CHAIRMAN

ATTEST:


Linda Ferguson
DEPUTY CLERK OF THE BOARD