

## EXHIBIT H

### LAND USE CODE

#### CHAPTER X: WATER SUPPLY AND RESOURCES

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**Sec. L-X 1.1 Reserved Purpose**

~~The purpose of this Chapter is to provide minimum standards for design, construction and operation of individual, small private and public water supplies in Nevada County. The Chapter aims to ensure (1) that every well is constructed so as not to pollute groundwater, (2) that potable water is provided in every building for which a plumbing permit is issued, and (3) that potable water resources are determined and made available for every parcel of land created after the effective date of this Chapter. (Ord. 1717, 6/11/91)~~

**Sec. L-X 1.2 Definitions and Interpretation**

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them by this Section.

A. ABANDONED WELL means any of the following:

1. A well, other than a monitoring well, which has been in continuous disuse for one year or more, unless such disuse is attributable to removal of the pump for repair or replacement and efforts to repair or replace the pump are being diligently pursued;
2. A monitoring well from which no monitoring data has been taken for a period of three (3) years;
3. A well which is in such a state of disrepair, that it cannot be made functional for its original use or any other use regulated by this Chapter.

B. ADMINISTRATIVE AUTHORITY means the private or public entity operating a water production, conveyance, and/or distribution system. As of the date of the enactment of this Chapter, the following public entities exist for the production, conveyance and/or distribution of water. They include but are not limited to:

1. Irrigation District;
2. Municipal Utility District;
3. Community Service District;
4. Public Utility District;
5. County Service Area;
6. County Water District;
7. California Water District;
8. Municipal Water District;
9. County Water Works District;
10. Reclamation District;

11. Water Storage District.

C. AN APPROVED WATER SUPPLY means any of the following:

1. A public water system under permit from the State Department of Health Services.

2. A public water supply approved by the Nevada County Environmental Health Department as defined by the California Safe Drinking Water Act (~~California Health and Safety Code Sections~~Cal. Health & Safety Code §§ 116760 – 116762.60)~~4010-4039.5~~)

3. An approved individual water supply system.

D. ANNULAR SPACE means the space between an excavation and the casing of a well or the space between two (2) concentric casings.

E. BENTONITE means bentonite chips which are naturally mined, non-pelletized sodium montmorillonite and listed by the National Sanitation Foundation.

F. BOARD means the Nevada County Board of Supervisors.

G. CONCRETE “Class A” means concrete with six (6) ninety-four (94) pound sacks of Portland cement per yard; “Class B” shall mean concrete with five (5) ninety-four (94) pound sacks of Portland cement per yard.

H. CONCRETE GROUT means a mixture composed of not more than two (2) parts of sand and one part of Portland cement, and not less than four and one-half (4-1/2) nor more than six and one-half (6-1/2) gallons of water per sack of cement (ninety-four [94] pounds).

I. CONTAMINANT means any physical, chemical, biological, or radiological substance or matter in water.

J. CONTAMINATION means an impairment of the quality of water by waste to a degree which creates a hazard to the public health.

K. DIRECTOR means the Nevada County Director of Environmental Health or ~~their~~his authorized representative.

L. DISINFECTION means a chemical or physical process which kills or inactivates all pathogenic microorganisms. The type of disinfectant must be approved for domestic water usage.

M. DISTRIBUTION SYSTEM means system of conduits and their appurtenances by which a water supply is distributed to the users.

N. DRY HOLE means a well that produces less than one (1) gallon per minute.

O. ENFORCEMENT AGENCY means the Nevada County Department of Environmental Health.

P. HEALTH OFFICER means the Public Health Officer of the County of Nevada.

Q. INDIVIDUAL WATER SUPPLY SYSTEM means a source of water consisting of a well, spring, treated surface water, storage facilities, equipment or distribution system which is not a public water supply.

R. NEAT CEMENT means a mixture composed of one sack of Portland cement (ninety-four [94] lbs.) to not less than four and one-half (4-1/2) nor more than six and one-half (6-1/2) gallons of water.

S. PERSON means any individual, firm, corporation, partnership, or governmental agency, to the extent authorized by law.

T. PLANNING AGENCY means Nevada County Planning Department.

U. POLLUTION means an alteration of the quality of water by waste to a degree which unreasonably affects: (1) such waters for beneficial uses or; (2) facilities which serve beneficial uses. Pollution may include contamination.

V. POTABLE GROUNDWATER means water below the surface of the ground at a depth such that it has been protected from surface pollution or contamination by

impervious soil stratum, or which has received an acceptable degree of natural treatment by filtration through a considerable amount of soil, and which is free from contaminants injurious to health.

W. PUBLIC ENTITY means a local agency, as defined in ~~Government Code Section~~ Cal. Gov't Code §§ 53090 – 53097.5 et seq., which is empowered to plan, design, finance, construct, operate, maintain, and abandon, if necessary, any water system or expansion of any water system, and to provide permits and to have supervision over the location, design, construction, operation, maintenance, and abandonment of individual water systems within a land development; and to design, finance, construct, operate and maintain any facilities necessary for the production, conveyance, and distribution of water pumped from water sources; and to conduct any monitoring or surveillance programs as required for water quality control purposes.

X. PUBLIC WATER SUPPLY means a system for the provision of piped water to the public for human consumption which has five (5) or more service connections or regularly serves an average of at least twenty-five (25) individuals daily, at least sixty (60) days out of the year.

Y. SANITARY SURVEY means an on-site review of an individual water supply system for the purpose of evaluating the adequacy of the water source, facilities, equipment operations, and maintenance for providing and distributing safe drinking water.

Z. SANITARY WELL SEAL means a device placed into the topmost part of a well casing which, by means of an expanding gasket, excludes foreign material from entering the top of the well casing or a device producing an equivalent effect, and is equipped with a pipe or plug through which disinfecting agents may be introduced directly into the well. Such a device shall be leakproof to prevent the entrance of surface water to the well.

AA. SEALING MATERIAL means neat cement grout, sand-cement grout, concrete, special quick-setting cement, or bentonite clay as defined in this Chapter or, if not defined in this Chapter, as defined in Bulletin 74-81 of the Department of Water Resources.

BB. SERVICE CONNECTION means any connection or arrangement, physical or otherwise, between a potable water source from an approved public water supply and any plumbing fixture, tank, receptacle equipment, or device.

CC. SEWAGE DISPOSAL SYSTEM means a septic tank and subsurface disposal field or other type of system or appurtenance thereto, whether public or private, receiving domestic or industrial sewage waste. Sewage disposal system does not include a sewer pipe-line.

DD. SEWER LINE means a pipe conveying sewage waste matter from any building or premises to a point of disposal such as to a septic tank or sewage treatment or disposal plant.

EE. SHALLOW WELL means any well thirty (30) feet or less in depth.

FF. SMALL PUBLIC WATER SYSTEMS shall be as defined by the California Safe Drinking Water Act (~~California Health and Safety Code Sections 4010-4039.5~~[Cal. Health & Safety Code §§116760 – 116762.60](#)).

GG. SPRING means a naturally occurring flow of groundwater reaching the surface of the ground.

HH. STATE SMALL WATER SYSTEM means a public water system which meets one of the following criteria: (1) serves from [five to fourteen \(5-14\)](#) service connections and less than [twenty-five \(25\)](#) individuals any part of the year; (2) serves [fifteen \(15\)](#) or more service connections and any number of non-resident individuals less than [sixty \(60\)](#) days per year; (3) serves [five to fourteen \(5-14\)](#) service connections and [twenty-five \(25\)](#) or more individuals less than [sixty \(60\)](#) days per year.

II. SURFACE WATER means all those waters found on or immediately below the surface of the earth and that have not been filtered through any considerable amount of soil, and which normally do not meet California drinking water standards and are not protected so as to exclude real or potential sanitary hazards. In the event that a conflict of opinion arises as to whether or not any waters are “surface waters” within the meaning of this Chapter, the burden and expense of proving that said waters are not surface waters shall be upon the person or persons making such claim, and in the absence of finding to the contrary, the opinion and/or findings of the Director shall be final.

JJ. TEST HOLE means any excavation constructed in the earth exceeding a depth of fifteen (15) feet below the ground surface for the purpose of exploration of the earth.



KK. TRIMMIE means a tube, device or pipe which may be used to place sealing material into the annular space.

LL. WATER WELL OR WELL is defined as any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This does not intend that potholes, drainage trenches or canals, waste water ponds, shallow root zone piezometers, stock ponds, or similar excavations be included within the definition of wells.

MM. WATER WELL DRILLER'S REPORT means Department of Water Resources Report Form DWR 188, or any subsequent form adopted by the Department of Water Resources.

NN. WELL COVER means a device to cover the topmost part of a well casing. The device must be so constructed as to be resistant to tampering, structurally sound, impervious, and prevent the entrance of foreign material.

OO. WELL DESTRUCTION means certain work done to an existing water well, the intent of which is to effectively seal the entire well up to the surface in such a manner that each intersected water stratum is sealed and isolated from every other stratum and from surface water.

PP. WELL RECONSTRUCTION means certain work done to an existing water well in order to restore its production, replace defective casing, seal off certain strata or surface water, or similar work, not to include hydrofracking, developing, the cleaning out of sediments, surging or work related to the well pump.

QQ. AS DEFINED IN OTHER DOCUMENTS: Except as otherwise required by the context of this Chapter, the terms used in this Chapter should have the same meaning as in Chapter 10 of Division 7 of the California Water Code and the Department of Water Resources Bulletin 74-81 and subsequent supplements or revisions.

RR. SECTION HEADINGS, when contained in this Chapter, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any section.

SS. TENSE OR GENDER: Words used in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural, and plural includes the singular. (Ord. 1717.5 (06/11/1991))

#### Sec. L-X 1.3 Connection Required

Every habitable building or structure shall be connected to an approved water supply in accordance with the provisions of this Chapter. (Ord. 1717.5 (06/11/1991))

#### Sec. L-X 1.4 Permit Required

No construction, reconstruction, or destruction of a water treatment system, well or individual or public water supply system shall be commenced on any property until a permit to do such work shall have first been obtained from the enforcement agency. (Ord. 1717.5 (06/11/1991))

#### Sec. L-X 1.5 Minimum Yield

If the source of the individual water supply system is a well or spring, then there shall be flow of not less than one (1) gallon per minute per service connection. Individual wells may be combined to provide the minimum flow requirement. (Ord. 1717.5 (06/11/1991))

#### Sec. L-X 1.6 Determination of Yield

The determination of yield shall be made by a licensed well driller, licensed pump installer, registered civil engineer, registered engineering geologist, or registered environmental health specialist.

A. The procedure for testing the yield of wells for an individual water supply system with yields of less than three (3) gallons per minute shall be to draw down the water in the well until the water level stabilizes. The well shall then be pumped continually for a minimum of four (4) hours or longer, if needed, to produce a minimum of seven hundred and twenty (720) gallons of water as registered by an accurate meter or other approved method.

B. The procedure for testing the yield of wells for an individual water supply system with yields of three (3) gallons per minute or more shall be in accordance with the standards specified in Bulletin 74-81 of the Department of Water Resources and its supplements or by an alternate method approved by the enforcement agency.

C. The procedure for testing the yield of wells for public water systems shall be, as a minimum, the requirements specified in ~~L-X~~1.6.B above, and for an amount of time as determined by the enforcement agency. Information regarding sustained yield and recovery rate shall be provided in a report and submitted to the enforcement agency.

D. The yield of a spring shall be tested in August or September. The period may be extended into October by decisions of the enforcement agency, depending on seasonal conditions. Yield shall be determined by pumping down and calculating recovery rate or by measuring an existing discharge flow rate from the spring. Historical data may be utilized for determination of production rates during the dry season on a case-by-case basis.

E. No release shall be given for issuance of a building permit for new construction of a building which requires a potable water supply until an adequate quantity of water is determined as follows:

1. The yield specified on the Water Well Driller's Report shall be valid for a period of one year from the "Date of Completion" noted on the report. A well without a valid Water Well Driller's Report shall be tested by a pump test in accordance with Section ~~L-X~~1.6.A, B or C, as appropriate. The pump test report shall bear the original signature of the tester and shall be valid for one (1) year from the date inscribed on the report. (Ord. 1717, (06/11/1991))

### **Sec. ~~L-X~~ 1.7 Storage Requirements**

A water supply system consisting of a well or spring having a yield of less than three (3) gallons per minute per service connection shall have a water storage tank of construction and materials approved by the enforcement agency of the following size:

A. INDIVIDUAL WATER SUPPLY SYSTEM - a 1,000 gallon storage tank shall be required for each habitable structure.

B. PUBLIC WATER SUPPLY SYSTEM - storage shall be determined by a California registered civil engineer or environmental health specialist and shall take into consideration population served, fire flow requirements, and the quantity of water available, and shall comply with California Safe Drinking Water Act

(~~California Health and Safety Code 4010-4039.55~~Cal. Health & Safety Code §§116760 – 116762.60)). (Ord. 1717.5; (06/11/1991))

### **Sec. L-X 1.8 Potability**

An individual water supply system shall provide water which is pure, wholesome, potable, and does not endanger the lives or health of human beings as defined by the California Safe Drinking Water Act (~~California Health and Safety Code Sections 4010-4039.55~~Cal. Health & Safety Code §§116760 – 116762.60)).

The determination of bacteriological potability shall be by means of a bacteriological test conducted by a water laboratory approved by the State Department of Health Services.

Where the enforcement agency deems necessary, an analysis for contaminant(s) shall be conducted to demonstrate that the water supply meets the standards as set forth in California Safe Drinking Water Act (~~California Health and Safety Code Sections 4010-4039.55~~Cal. Health & Safety Code §§116760 – 116762.60)). (Ord. 1717.5; (06/11/1991))

### **Sec. L-X 1.9 Surface Water Uses**

Use of surface water for drinking and domestic purposes shall be authorized only under the provisions of ~~Article~~ 3 of this Chapter. (Ord. 1717.5; (06/11/1991))

### **Sec. L-X 1.10 Pressure**

The individual domestic water system shall be capable of providing an adequate supply of potable water under a minimum pressure of 15 p.s.i. at all times. Where pressure exceeds 80 p.s.i., the provisions of the Uniform Plumbing Code latest adopted edition shall apply. (Ord. 1717.5; (06/11/1991))

### **Sec. L-X 1.11 Issuance of Building Permit**

No building permit shall be issued for any building for human habitation until compliance with this Chapter is ascertained. (Ord. 1717.5; (06/11/1991))

### **Sec. L-X 1.12 Inspection**

Prior to final occupancy of a building for which a plumbing permit was issued, the enforcement agency may perform a sanitary survey, obtain water samples and approve the individual water supply system. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 1.13 Fees**

Fees will be set by Resolution of the Board for plan review, inspection, sampling of water sources and supply system, variance, permit to construct, destruction permit, surface water treatment permit, sanitary survey, and reinspection. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 1.14 Right of Entry and Inspection**

Representatives of the enforcement agency shall have the right to enter upon any premises at all reasonable times to make inspections and tests for the purpose of enforcement and administration of this Chapter. If any such premises are occupied, ~~they~~ shall first make a reasonable effort to locate the owner and any person having charge or control of same and demand entry. If such entry is refused, ~~they~~ shall have recourse to such remedies as are provided by law to secure entry. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 1.15 Protection of Water Supply**

No person shall install or maintain a well or test hole in any manner that will result in the pollution or contamination of groundwater or which allows the entrance of surface waters into the well. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 1.16 Enforcement - Generally**

The enforcement agency shall be empowered to enforce the provisions of this Chapter and of Bulletin 74-81 of the Department of Water Resources, including the amendments herein or hereafter adopted. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 1.17 Applicable Standards**

All approved water supplies shall comply with standards as set forth in the most recently Board adopted edition of the Uniform Plumbing Code. (Ord. 1717~~.5~~ (06/11/1991))

### **Sec. L-X 1.18 Effect of Partial Invalidity**

In any case where a provision of this Chapter is found to be in conflict with a provision of any health ordinance or code provision enacted by any ordinance-making body within the limits of the County of Nevada, ~~County~~, California on July 12, 1991, the provisions which establish the higher standard for the promotion and protection of the health of the people shall prevail. If any provision of this Chapter should for any reason be declared invalid, such decision shall not affect the remaining portions of this Chapter which shall remain in full force and effect, and to this end the provisions of this Chapter are hereby declared to be severable.

## **~~ARTICLE~~ SECTION 2 WATER WELLS**

### **Sec. L-X 2.1 Classes of Well Permits**

Well permits shall be classified as follows:

A. Class I Permits shall be issued for the installation of a well where such well location conforms with the minimum distances set forth in Table 1 of Section ~~L-X~~ 2.10 below and where the enforcement agency deems conditions do not exist that would result in pollution or contamination of the potable groundwater.

A Class I Well shall be constructed with a minimum annular seal depth of twenty (20) feet below ground surface and shall be required for individual domestic wells, agricultural wells, observation and monitoring wells, and other wells if so determined by the enforcement agency. Class I Wells shall meet all minimum distances as set forth in Section ~~L-X~~ 2.10.

B. Class II Permits shall be required and issued for the installation of a well where such well location is closer than the minimum distances set forth in Table 1 of Section ~~L-X~~ 2.10 below or where the enforcement agency determines conditions may exist that threaten the potable groundwater with contamination unless special construction features are included in the well construction.

A Class II Well shall be constructed with a minimum annular seal depth of fifty (50) feet below ground surface and into an impervious stratum and shall be required for public water supply wells, industrial wells, and other wells where the enforcement agency determines conditions may exist that threaten the potable groundwater with contamination.

C. Class III permits shall be issued for a shallow well which conforms with the minimum distances set forth in Table 1 of Section ~~L-X~~ 2.10 below and where the enforcement agency deems that conditions do not exist that would result in pollution or contamination of the potable groundwater.

A Class III shallow well shall be sealed to the top of the water-bearing stratum and in no case less than ten (10) feet below ground surface.

D. A reconstruction permit shall be required for any well reconstruction as defined in Section ~~L-X~~ 1.2.

E. A destruction permit shall be required for any well destroyed in accordance with this Chapter. (Ord. 1717; (06/11/1991))

### **Sec. L-X 2.2 Permit Application**

A. **WHEN REQUIRED:** No person shall dig, bore, drill, deepen, modify, reconstruct, repair, or destroy a water well, cathodic protection well, observation well or monitoring well without first obtaining a permit as provided in this Chapter exempted by law.

B. **EMERGENCY WORK:** The above provisions shall not apply to emergency work required to maintain drinking water or agricultural supply systems. For the emergency work, when County offices are closed, a permit may be issued after such work has begun, provided all of the following conditions are met:

1. The permit application is made the first day County offices are open following said work; and
2. The well system serves an existing structure or facility or agricultural operation; and

3. The person responsible provides written documentation to the enforcement agency that such work was urgently necessary; and
4. The permittee can demonstrate that all work performed was in conformance with this ~~Chapter, Article~~. (Ord. 1717, (06/11/1991))

### **Sec. L-X 2.3 Permit Application Procedure**

- A. A permit shall be issued only to a person licensed under State law as per Section ~~L-X~~2.4.B of this Chapter.
- B. Applications for permits shall be made to the enforcement agency on forms approved by the agency and shall contain all such information the enforcement agency requires to accomplish the purposes of this Chapter. The application shall be accompanied by the required filing fee.
- C. The application for permit shall be deemed to be received by the enforcement agency only when the form is complete as detailed in subsection E below.
- D. If the enforcement agency finds the application contains all necessary information and that the proposed work will comply with this Chapter, it shall issue to the applicant a comprehensive permit containing such conditions as are necessary to fulfill the purpose of this Chapter.
- E. An application is complete only when the form (on its face) is completed in full, is signed by the licensed well driller and is accompanied by all required exhibits and fees. The exhibits shall include all of the following:
  1. A vicinity map and clear directions to the property and well site.
  2. Plans and specifications for the proposed work, including method of sealing the annular space.
  3. Two (2) copies of an accurate site plan drawn to scale showing the proposed well location and all features of potential contamination (e.g., on-site sewage



systems, sewer lines, animal feed lots, etc.) and property lines within 150 feet of the proposed well site. A scaled assessor's plot map may be used for this purpose.

4. Copy of assessor's plot.
5. Location of any restrictions such as easements on the property.
6. Any other information the enforcement agency finds ~~is~~ necessary to complete the permit application.
7. Submission of appropriate permit filing fee.

F. DRY HOLES: In the event the primary well site results in a dry hole, one or more alternative sites may be drilled. The permittee shall advise the enforcement agency by submitting a revised site plan prior to the reinspection. A resulting abandoned well must be destroyed in accordance with Section ~~L-X~~ 2.28 and so indicated by the permittee on the revised site plan. Said abandoned well destruction shall be performed under a separate permit and shall be the responsibility of the property owner. (Ord. 1717.5 (06/11/1991))

#### **Sec. L-X 2.4 Permit Conditions**

A. LIMITATIONS: When the enforcement agency issues a permit pursuant to this Chapter, it may condition the permit in any manner necessary to carry out the purposes of this Chapter. Conditions may include, but are not limited to, such quantity and quality testing methods as the enforcement agency finds necessary.

B. PERSONS PERMITTED TO WORK ON WELLS: All construction, reconstruction, or destruction work on wells shall be performed by a person who possesses a valid C-57 contractor's license in accordance with the provisions of the California Business and Professions Code, or ~~their~~~~his or her~~ designated employees.

C. ABANDONED WELLS: As a condition of a construction or modification permit, any abandoned wells on the property shall be destroyed in accordance with standards provided in this Chapter. (Ord. 1717.5 (06/11/1991))

#### **Sec. L-X 2.5 Permit - Denial**

A. The enforcement agency shall deny, in writing, a permit when, in its judgment, issuance of a permit is not in the public interest. Upon receipt of a completed application, the enforcement agency shall deny the permit if:

1. The application contains false information.
2. The proposed work would not comply with this Chapter.
3. There are abandoned wells on the property and no application for permits has been made to destroy such wells.
4. The proposed construction will contaminate or put groundwater at a risk of contamination.

B. The enforcement agency shall either issue or deny the permit within seven (7) calendar days after receipt of the completed application. Unless the permit is issued or denied within seven (7) calendar days, it shall be deemed approved.

C. Denied permits may be appealed pursuant to ~~Article~~ Section 5 of this Chapter. (Ord. 1717, 06/11/1991)

#### Sec. L-X 2.6 Permit - Expiration

The permittee shall complete the work authorized by the permit within one year of permit issuance. Upon the expiration of the permit, no further work shall be done unless and until the applicant has received a new permit or renewal of the permit. (Ord. 1717, 06/11/1991)

#### Sec. L-X 2.7 Permit Issuance and Renewal

A. A permit issued pursuant to this Chapter shall be effective for one (1) year from the date of issuance for the authorized work. The permit is non-transferable. Once a well is installed pursuant to the permit, conditions imposed as requirements for permit issuance shall continue in force as long as the well is used.

B. Renewal of a permit may be granted to the original permittee if an application for permit renewal is filed prior to the original permit expiration date. Application for

permit renewal shall conform to the requirements of Section ~~L-X~~ 2.3. The permit shall be renewed or denied consistent with this Chapter. (Ord. 1717.5 (06/11/1991))

#### Sec. L-X 2.8 Permit Suspension, Revocation and Stop-Work Order

A. CIRCUMSTANCES FOR SUCH ACTION: The enforcement agency may suspend or revoke any permit issued pursuant to this Chapter whenever it finds that the permittee has violated any of the provisions of this Chapter or has misrepresented any material fact in ~~their~~~~his or her~~ application or any supporting documents for such a permit. Prior to ordering any such suspension or revocation, the enforcement agency shall give the permittee an opportunity for a hearing thereon, after reasonable notice. The hearing shall be before the Director. An appeal within fifteen (15) calendar days may be made as set forth in ~~Article~~ Section 5 of this Chapter.

B. STOP-WORK ORDER: In addition to suspension and revocation, the enforcement agency may issue a stop-work order.

C. CONSEQUENCES: No person whose permit has been suspended or revoked or for which a stop-work order has been issued shall continue to perform the work for which the permit was granted until, in the case of suspension, such permit has been reinstated by the enforcement agency or, in the case of a stop-work order, the order has been released, in writing, by the enforcement agency.

D. ORDERED ADDITIONAL WORK: Upon issuance of a stop-work order, suspension or revocation of any permit, the enforcement agency may order the permittee to perform any work reasonably necessary to protect the groundwaters from pollution or contamination if any work already done by the permittee has left a well in such condition as to constitute a hazard to the quality of the groundwater. No permittee or person who has held any permit issued pursuant to this Chapter shall fail to comply with any such order. (Ord. 1717.5 (06/11/1991))

#### Sec. L-X 2.9 Building Permits

A. The enforcement agency shall not issue a release for building permit issuance if wells drilled on the property are not in compliance with this Chapter.

B. The enforcement agency shall not issue a release for building permit issuance if there are any abandoned wells on the property that have not been destroyed or permitted to be destroyed pursuant to this Chapter.

C. The enforcement agency shall not issue approval for a Certificate of Occupancy or temporary occupancy for a building on property whereupon a well has been drilled unless the well is in compliance with this Chapter. Wells drilled prior to the effective date of this Chapter shall be exempt from the requirements of Section ~~L-X~~ 2.18. (Ord. 1717.5 (06/11/1991))

**Sec. L-X 2.10 Well Location**

All wells shall be located as prescribed in Table 1.

**TABLE 1**

**Minimum Distance\***

From property line**	50 feet
From easements	5 feet
From septic tank and septic system sumps	100 feet
From public or private sewer pipe line of approved water-tight piping and joint materials	25 feet
From other public or private approved sewer line	50 feet
From individual sewage disposal field	100 feet
From community sewage disposal field	200 feet
From pit privy	150 feet
From animal or fowl enclosures (pasturage excluded)	100 feet
From seepage pit	150 feet
From sanitary landfill	As approved by the enforcement agency
From water storage tank	10 feet

\*For Class I, II, and III Wells where, in the opinion of the enforcement agency, adverse conditions exist (e.g., petroleum storage or pipelines, hazardous materials storage or pipelines, etc.) these distances may be increased as determined by the enforcement agency.

\*\*1. A five (5) foot minimum setback shall be permitted for a Class I well if the adjoining property(s) meets one or more of the following:

- a. Is three (3) acres or greater in size.
- b. Has a developed or approved sewage disposal system (including repair area) that is 100 feet or more from the proposed well location.

c. Has features that would preclude the development of a sewage disposal system (including repair area) within 100 feet of the proposed well location.

d. Has a well which precludes development of a septic system within 100 feet of the proposed well location.

2. A five (5) foot minimum setback shall be permitted for a Class II well.

If the property cannot comply with either 1 or 2 above, then a 50-foot setback shall be required.

(Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.11 Protection**

At all times during construction, the well shall be protected in such a manner as to prevent tampering with the well, accidents to persons, the entrance of foreign matter into the well or the entrance of drilling mud into streams, etc. Water and drilling mud used in drilling shall be free from contamination. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.12 Well Standards**

Except as otherwise specified, the standards for the construction, modification or destruction of wells shall be as set forth in the California Department of Water Resources Bulletin 74-81 "Water Well Standards, State of California," as modified by subsequent revisions or supplements. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.13 Casings**

A. All metal casing used in well construction shall be new and shall have a minimum thickness of twelve (12) gauge for wells up to and including eight (8) inches in diameter, and a minimum thickness of ten (10) gauge for wells ten (10) inches in diameter or over. Casings shall be placed to a sufficient depth to insure well integrity and to prevent well-collapse.

B. All casings shall be placed with sufficient care to avoid damage to casing sections or joints. The uppermost perforation shall be at least five (5) feet below the annular seal.

C. All concrete pipe casing used in well construction shall be new, free of defects, and shall conform to California Department of Water Resources Bulletin 74-81, as modified by subsequent supplements or revisions.

D. All polyvinylchloride casing used shall be new, free of defects, and shall meet ASTM standard F480.

E. The casing shall extend at least eight (8) inches above the ground surface or at least two (2) inches above the surface of the concrete slab.

F. Any well construction utilizing a pitless adapter shall only be constructed with steel casing meeting standards specified in Bulletin 74-81 and its supplements.

G. Other casing materials may be approved by the enforcement agency when such materials are approved for use by the Department of Water Resources. (Ord. 1717<sup>.5</sup> (06/11/1991))

#### **Sec. L-X 2.14 Sealing of the Annular Space**

A. The annular space shall be effectively sealed with a sealing material to prevent surface or sub-surface pollution entering the well through casing joints or flowing down the outside of the casing and into the well at the lower end.

B. In unconsolidated formations the annular space shall be filled with sealing material having a minimum thickness of two (2) inches, except in the case of a concrete pipe cased well, which shall have a minimum thickness of three (3) inches.

C. Prior to sealing, a packer of cement, concrete, steel or other approved material shall be installed at the bottom of the annular space to be grouted. The seal shall be applied in one continuous process either by pressure or by gravity in accordance with proper construction practice and in such a manner as to exclude surface and other undesirable water from the well.

D. If bentonite clay is used as the sealing material, the uppermost two (2) feet of the annular space shall be sealed with cement. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.15 Well Pits**

Well pits or below ground discharge pipes may be permitted at the discretion of the enforcement agency. Where the well casing terminates in a pit below the ground surface, the pit shall be constructed so as to be drained with a minimum three (3) inch diameter pipe discharging water by gravity to the ground surface. The drain shall be screened at both ends. The casing shall be carried at least eight (8) inches above the pit floor. The well pit shall be so constructed and protected that floodwaters cannot enter the pit. Pits shall have easy access for proper operation, maintenance and inspection of the equipment. Doorways or hatches shall at all times effectively keep water out of the pit. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.16 Access Openings Into Well Casings**

Access openings into the well casing or conductor pipe for addition of gravel to a gravel packed well, for sounding the well, for air release, for disinfection, and for any other purpose necessary for maintenance and operation of the well are required, but must terminate above flood and high water levels or have a watertight seal. These openings shall be protected against entry of small animals, insects, floodwater, drainage or pump drippage, and other contaminating matter, by caps. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.17 Special Groundwater Protection**

The enforcement agency may designate areas where groundwater quality problems are known to exist and where a well will penetrate more than one aquifer. The enforcement agency may require special well seal(s) in these designated areas to prevent mixing of water from several aquifers. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.18 Inspections**

The enforcement agency shall make an inspection of the annular seal construction work. It may make an initial inspection of each proposed drilling site prior to the

issuance of a well permit, an inspection at the completion of the work, and inspections at such other times as it deems appropriate. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.19 Inspection of Well Seal**

The enforcement agency shall inspect the annular space grout depth prior to the sealing.

A. **REQUIRED NOTICE:** The well driller shall notify the enforcement agency a minimum of two (2) hours prior to sealing the annular space of a well. Notification consists of submitting:

1. A valid Assessor's Parcel Number;
2. Date and specific time of well sealing;
3. Location of well sealing;
4. Permittee name.

B. **SHOULD ENFORCEMENT AGENCY FAIL TO BE PRESENT:** If the enforcement agency fails to be present at the requested seal inspection time, the driller shall seal the well in accordance with the standards of this Chapter and any permit conditions.

C. **FAILURE OF WELL DRILLER TO APPEAR:** If the well driller fails to appear and perform the well construction work as specified by the required confirmation notice indicating date and time, after fifteen (15) minutes the enforcement agency may leave the site. The well driller shall notify the enforcement agency of the need for reinspection for any future inspection of the work. The well driller shall pay a reinspection fee within two (2) working days following the reinspection.

D. **FAILURE OF THE WELL DRILLER TO BE READY:** The well driller may postpone the seal time without any consequences, providing the driller notifies the enforcement agency at least one (1) hour prior to the previously arranged well seal inspection time. If the notification is less than one (1) hour and the enforcement



agency appears at the well site, the well driller may be required to proceed as in subsection C above.

E. AFTER THE FACT INSPECTIONS: In the event that reliable technology exists, then the enforcement agency may, at its option, waive inspection of the sealing of a well's annular space. It may choose to inspect such seal installations after the fact, using such means as will determine the presence of a seal and not damage the well. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.20 Completion**

Upon completion of a well, the driller shall be responsible for the sanitary well seal or a well cover. The driller shall also submit a completed water well driller's report or photocopy of same, completed in detail on the State Department of Water Resources reporting form, to the Health Department. Said photocopy shall contain the assessor's parcel number of the subject property and permit number. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.21 Final Inspection**

If requested by the enforcement agency, the driller shall notify the enforcement agency within seven (7) calendar days of the completion of their work at each drilling site. The enforcement agency may make a final inspection after completion of the work to determine whether the well was completed in accordance with this Chapter. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.22 Completion Reports**

A. SUBMITTAL OF STATE "WATER WELL DRILLER'S REPORT": A copy of the Water Well Driller's Report shall be submitted by the permittee to the enforcement agency within ninety (90) days of construction, alteration, or destruction of any well. This report shall document that the work was completed in accordance with the standards as set forth in the Department of Water Resources Bulletin 74-81 and all additional permit conditions. This Section shall not be deemed to release any person from the requirement to file said report with the State Department of Water Resources.

B. CONFIDENTIALITY OF REPORT: In accordance with ~~California Water Code~~ See Cal. Water Code § 13752, reports shall not be made available for inspection by the public but shall be made available for inspection by governmental agencies for use in making studies. Reports shall be made available to any person who obtains written authorization from the owner of the well.

C. OTHER AGENCY'S REQUIREMENTS: Nothing in this Chapter shall be deemed to excuse any person from compliance with the provisions of ~~California Water Code Sections~~ Cal. Water Code §§ 13750.5 - through 13755 relating to notices and reports of completion or any other federal, state, or local reporting regulations.

D. Well drillers that fail to comply with this Section shall not be issued any future well construction permits. Permits may be issued once all required reports are on file with the enforcement agency. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.23 Well Permit Completion**

A. No person shall connect to or use any well subject to this Chapter for which a Well Permit Completion has not been issued. The enforcement agency shall issue a Well Permit Completion only if, upon inspection of the work, the work complies with this Chapter and the conditions of the permit.

B. If inspected work does not comply with this Chapter and the conditions of the permit, the permittee shall be notified in writing. Work deficiencies shall be explained and satisfactory well completion or well destruction required. A Well Permit Completion shall be issued upon satisfactory completion.

C. A Well Permit Completion shall only be issued where the enforcement agency has the Water Well Driller's Report.

D. Denial of a Well Permit Completion may be appealed in accordance with Section Article 5 of this Chapter. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.24 Disinfection**

Newly constructed or repaired wells shall be adequately treated with chlorine to a strength of at least fifty (50) PPM of available chlorine, in such a manner as to disinfect all parts of the well before or as the pump is set, and shall not be pumped

for at least eight (8) hours. Prior to use for domestic purposes, the well shall be pumped sufficiently to eliminate the disinfectant residual. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.25 Pump Installation**

All pumps shall be installed so as to prevent contamination of the water supply by surface water or other contaminants. The pump shall be mounted through a sanitary well seal. There shall be access for introduction of chlorine into the well and gravel pack as needed. A faucet shall be provided on the discharge line, ahead of the storage tank, constructed so that a representative sample of the water in the well may be obtained. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.26 Abandoned Wells**

The owner of any property shall be responsible for destroying any uncapped or abandoned well, test hole, monitoring well or exploratory well located thereon. The well will not be considered abandoned if the owner declares ~~their~~his intention, in writing, to use such well again for supplying water or for other approved purposes, and if such well a) has no defects in construction which would cause pollution or contamination of the potable groundwater by surface water; b) is covered with a well cover, c) is so marked as to be clearly seen; and d) the ground area surrounding the well is sloped away from the casing and kept clear of brush and debris. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.27 Wells Constructed After July 12, 1991**

Wells constructed after July 12, 1991, and which are not in compliance with this Chapter shall be made to comply with this Chapter or destroyed pursuant to this Chapter. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 2.28 Destruction Methods**

Prior to destroying a well, a detailed evaluation and report on the well shall be submitted to the enforcement agency by a licensed well driller. Such report shall indicate the type of well to be destroyed, all known geological conditions and the methods and material to be used in the destruction process. The methods and materials used in destroying wells and test holes shall be such that the potable or usable groundwater is protected from pollution or contamination or the entrance of surface water thereto. All abandoned wells shall be destroyed as follows:

- A. Any obstruction in the well shall be removed when possible.
- B. As much casing or lining in dug wells shall be removed as is physically possible.
- C. Where necessary (depending on the type of casing) the remaining casing shall be ripped or perforated to fill any annular space or nearby voids.
- D. The well shall be entirely filled with impervious material such as class B concrete, concrete grout, neat cement or puddled clay.
- E. The placement of the material shall be done in such a way as to assure a dense seal, free of voids, in order to exclude surface water.
- F. Other methods of destroying wells and test holes may be approved by the enforcement agency if an equivalent effect will result, and no contamination or pollution to the potable or usable groundwater will occur. (Ord. 1717.5 (06/11/1991))

#### **Sec. L-X 2.29 Variances**

- A. The enforcement agency shall have the power under the following specified conditions to grant a variance from any provision of the standards referenced within this Chapter and to prescribe alternative requirements in their place. Any variance from the requirements of this Chapter shall be granted only with written approval of the Director.
- B. **SPECIAL CIRCUMSTANCES:** Variances from any requirements of this Chapter shall be granted in specific cases only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application and enforcement of the requirements of this Chapter would involve practical difficulties or unnecessary hardship depriving such property of privileges enjoyed by other similar property in the vicinity. In these instances, a variance may be granted by the enforcement agency only if, in the opinion of the Director, no public health or water quality hazard would be created.

Any variance granted shall be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity.

1. An application for a variance shall be submitted to the enforcement agency by the property owner or licensed well driller on forms provided by the enforcement agency and accompanied by the appropriate filing fee. Upon receipt of the application and filing fee, the enforcement agency shall make an investigation to determine whether a variance should be granted under the provisions of this [Chapter Article](#). After conclusion of the investigation, the Director shall prepare a written order of specific findings of fact and reasons for granting or denying the variance. The enforcement agency shall respond to the filing of a completed application for a variance within fifteen (15) calendar days. If the enforcement agency fails to respond to the filing within fifteen (15) calendar days, the variance shall be deemed denied.
2. A representative from the enforcement agency must be present to witness the drilling, casing, and sealing of the annular space of any well constructed pursuant to this variance procedure.
3. Where setback requirements are reduced pursuant to this variance procedure, the Director may require larger and/or deeper annular seals, special casings, or other construction features to protect the public health and the groundwater quality.
4. For any well constructed pursuant to this variance procedure, the enforcement agency may require the submittal of samples to a State licensed laboratory for analyses as determined by the enforcement agency. The results of these tests shall be submitted to the enforcement agency within fifteen (15) calendar days of the completion of the test.
5. The enforcement agency, at its discretion, may sample any well constructed pursuant to this variance procedure for chemical and/or bacteriological quality for a period not to exceed [twenty-four \(24\)](#) months from date of completion. Should such sampling reveal contamination or pollution of the well or groundwater, appropriate repairs or destruction of the well shall be required by the enforcement agency.
6. The decision of the Director regarding a variance request may be appealed by any interested party to the Health Officer within fifteen (15) calendar days of the variance decision pursuant to [Article-5](#) of this Chapter.

7. A variance shall not be granted to allow the creation of substandard or nonconforming lots or parcels.

C. INTENT OF CHAPTER NOT COMPROMISED: The granting of a variance shall be consistent with the purposes of this Chapter. (Ord. 1717.5 (06/11/1991))

## ~~ARTICLE~~ SECTION 3 TREATMENT OF SURFACE WATER FOR DOMESTIC PURPOSES

### Sec. L-X 3.1 Use of Surface Water for Domestic Purposes

#### A. GENERAL

Treated surface water supplies used for domestic purposes must meet the provisions of: (1) The laws, standards and regulations of the California Safe Drinking Water Act; (2) California Domestic Water Quality Monitoring Regulations relating to certification of water treatment facility operation as excerpted from the California Health and Safety Code, California Code of Regulations, and the California Water Code. Surface water used for domestic purposes must be under administrative authority of a private or public entity formed for the purpose of collecting, treating, storing and distributing water for human consumption. All such entities treating surface water for drinking or domestic use shall be required to possess a valid Certificate of Operation issued by the enforcement agency and pay an annual inspection fee set by the Board of Supervisors or possess a Domestic Water Permit issued by the California Department of Health Services.

#### B. CONDITIONS

A surface water source with treatment may be utilized for domestic use on a case-by-case basis if the following conditions are fulfilled:

1. For existing developed parcels where there is a legal residence and wells or springs: (a) yield less than one (1) gallon per minute, (b) are contaminated, or (c) setback requirements from the waste water disposal system prohibits the use of a well or spring; and

2. A raw water source approved by the enforcing agency for treatment is available from a public or private entity either existing or to be created; and

3. An affidavit stating a raw water service connection will be provided to the user is received by the enforcement agency from the Administrative Authority of said entity; and

4. Compliance with Sections ~~L-X~~ 3.3 through 3.8 of this ~~Chapter~~Article is ascertained.

The drilling and testing of a well as specified in Section ~~L-X~~ 3.1.B.(1) above may be waived by the enforcement agency on a case-by-case basis provided that valid historical data are available as provided by a well driller, geologist, civil engineer, or enforcement agency records. Said data must show that groundwater resources are minimal or nonexistent and/or groundwater is contaminated. (Ord. 1717~~;~~; ~~(06/11/1991)~~)

### **Sec. ~~L-X~~ 3.2 Prohibitions**

After the effective date of this Chapter, it shall be unlawful for a person or persons to utilize untreated surface water for domestic purposes for any new construction other than as allowed under the provisions stated herein. No building permit shall be issued for a dwelling proposing to use treated surface water as its source of domestic water. (Ord. 1717~~;~~; ~~(06/11/1991)~~)

### **Sec. ~~L-X~~ 3.3 Treated Surface Water Availability**

For an existing dwelling proposing to use treated surface water as its source of domestic water, the treatment system and source shall be approved by the enforcement agency and the California State Department of Health Services. Before any water availability affidavit is issued by a private or public entity and can be approved by the enforcement agency, the water treatment system, all equipment specifications and design must meet the provisions of this ~~Article~~. (Ord. 1717~~;~~; ~~(06/11/1991)~~)

### **Sec. ~~L-X~~ 3.4 Surface Water Treatment Permit**

A. The property owner or ~~their~~his or her designated representative must make application for a Surface Water Treatment System permit on a form provided by the enforcement agency. Said application shall include, as a minimum, the following:

1. A certificate bearing the original signature from a California registered civil engineer or a registered environmental health specialist stating that the proposed water treatment system, when properly installed and maintained, will produce water continuously meeting the California Safe Drinking Water Act, California Water Works Standards, and this Chapter. Said system shall be installed under the supervision of the designer signing the Certificate who, after the system is installed, shall certify in writing that the water treatment system has been installed in conformance with the approved design;

2. The reason and substantiation for request (e.g., hardship, less than one gallon per minute yield on well, well is contaminated, etc.), along with supporting data. Said reason shall be provided on a “request for waiver” form;

3. A Facilities Plan and Project Report prepared by a California registered civil engineer or environmental health specialist. Said report shall include, as a minimum, a detailed equipment plan, materials and specifications, flow calculations, retention time, treatment method, top and side views, and other information as is necessary to justify the treatment system;

4. Analyses of raw source water samples collected and tested by a State licensed laboratory;

5. A contract agreement between the property owner and the designer or installer certifying that the contractor will maintain the system according to the approved system design.

B. All documents, information, designs, analysis reports and plans required in subsection A above shall be submitted in triplicate. (Ord. 1717, § [\(06/11/1991\)](#))

### **Sec. L-X 3.5 Surface Water Treatment Requirements**

A. The treatment plant, piping, and appurtenances shall be designed, located, constructed, and composed of materials sufficient to withstand the physical stresses imposed during normal operation and during all weather conditions. All portions of the treatment facilities shall be readily accessible for maintenance and operation.



B. The treatment system is to be designed and installed so that there is disinfection at all times to provide potable water for domestic use.

C. In systems with media-type filters, a proportional feed pump shall be used to add effective coagulation chemicals prior to filtration and filter in proportion to the rate of water flow. A suitable coagulant solution container shall be provided.

D. An accurate pressure gauge shall be provided on both the inlet side and on the outlet side of the filter to provide a visual assessment of pressure loss due to filter clogging and thereby facilitate proper filter backwash frequency.

E. All filters shall be constructed and installed so that the design filtration rate cannot be exceeded.

F. Filters shall be constructed so that they can be backwashed only with clear, filtered, and chlorinated water meeting drinking water standards. Backwash flow rates shall effectively clean the filter media. Piping shall be valved so that filters can be isolated for repairs while the other units are functioning. Initial filter runs, after backwash, are to be directed to waste. There shall be no bypass or leakage of untreated or partially treated water to the point of use. Other approved methods of backwash may be approved on a case-by-case basis. (Ord. 1717, (06/11/1991))

### **Sec. L-X 3.6 Disinfection**

Disinfection is to be by chlorination or other approved methods.

#### **A. WHEN USING CHEMICAL DISINFECTION**

1. A contact tank or tanks shall be provided to allow for a minimum of thirty (30) minutes retention time to accomplish adequate disinfection during periods of peak water flow through the treatment plant. The chlorine contact facilities shall be installed in a manner which will effectively maximize retention time and reduce “short circuiting”.

2. Disinfectant Solution Storage Container. A container constructed of materials resistant to corrosion by the disinfectant shall be provided for the storage of the prepared solution being supplied to the proportional disinfectant feeder. The

container shall be sized to provide at least a one (1) week supply of disinfectant solution during normal demand, but not more than a two (2) week supply.

3. When using chlorine, a DPD free chlorine residual test kit with appropriate reagents shall be supplied as part of each water treatment plant installation.

B. SAMPLING TAP. A faucet or other suitable fixture shall be provided immediately upstream and downstream from the contact facilities to permit collection of water samples for bacteriological, turbidity, and disinfectant residual measurements. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 3.7 Monitoring**

A. For any installation of a surface water filtration and treatment system constructed after the effective date of this Chapter, monitoring shall be required to determine that the water system is performing satisfactorily as per the design. Monitoring shall be accomplished by any one of the following:

1. A contract agreement between the property owner and the designer or installer for sample collection and analysis by a State certified laboratory, or

2. By the enforcement agency on a fee for service basis.

B. The owner or contractor shall provide the enforcement agency a report of monitoring on a quarterly basis. Said monitoring shall include, as a minimum, quarterly bacteriological sample analysis, daily turbidity analysis, and daily chlorine residual.

C. If sample results demonstrate that the treatment system is not achieving minimum water quality requirements, the designer shall submit new plans and specifications to the enforcement agency, as per Section ~~L-X~~ 3.4, to bring the treatment system performance within minimum potability standards. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 3.8 Alternative Surface Water Treatment Systems**

Use of alternative surface water treatment systems may be considered on a case-by-case basis only. Said proposed systems must provide assurance of meeting minimum potability standards and equipment reliability and otherwise conform to this Section. The State Department of Health Services shall also approve of a proposed alternative surface water treatment system. Additional testing and monitoring requirements may be imposed as a result of approval of an alternative surface water treatment system. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 3.9 Surface Water Connection to an Existing Dwelling**

No new hookup of an existing dwelling to an untreated surface water source shall be permitted after July 12, 1991, other than by the provisions of Section ~~L-X~~2.29.

## **~~ARTICLE~~ SECTION 4 WATER AVAILABILITY FOR DIVISION OF LAND**

### **Sec. L-X 4.1 Applicability of This Chapter**

The requirements of this Chapter shall apply to the determining of adequacy of water supply for any division of land in the County of Nevada ~~County~~ approved as a tentative map after the adoption of this Chapter. (Ord. 1717.5 (06/11/1991))

### **Sec. L-X 4.2 Water Studies Required for Land Use Projects**

For any proposed division of land where water is to be supplied by individual wells, the following standards shall be applicable as conditions of approval of the tentative and the final map:

A. For any division of land, the subdivider shall drill wells on a percentage of the lots and submit a Water Well Driller's Report indicating water availability in a quantity and quality adequate for domestic purposes. For purposes of this Section, quantity adequate for domestic purposes is a minimum of three (3) gallons per minute, as determined under procedures in Section ~~L-X~~ 1.6. Water Well Driller's Reports for existing wells on the land to be divided may be used as part of this percentage where the "Date of Completion" disclosed on the Water Well Driller's Report is dated within one (1) year of the submittal of the land use application to the planning agency. Where the Water Well Driller's Report does not meet the aforementioned requirement or where a Water Well Driller's Report is not available, a valid report from a pump test conducted in accordance with Section ~~L-X~~ 1.6 may

be submitted. Such pump test report shall be accompanied by the Water Well Driller's Report if the driller's report is available.

In the event that the number of parcels in the subdivision is not evenly divisible by ten (10), an additional well shall be required for any remaining fractional requirement. When test wells are drilled, they shall be dispersed throughout the site in a manner approved by the enforcement agency in order to give a representative sample of groundwater availability on the lots.

The percentage of parcels requiring studies and wells are as follows:

WITH PLANNING AGENCY APPLICATION

1. Submit a licensed geologist's report to the enforcement agency certifying that groundwater adequate in amount to meet this Chapter for domestic water supply is available to every parcel in the subdivision; or
2. Drill wells on ten percent of the parcels and submit a Water Well Driller's Report indicating water availability.

PRIOR TO RECORDATION

MINIMUM PARCEL SIZE

5 acres or less	50% of parcels
5.1-10 acres	30% of parcels
10.1-20 acres	10% of parcels

For divisions of land creating parcels of more than twenty (20) acres, proof of availability of groundwater shall only be required where the enforcement agency deems it necessary based on evidence of groundwater shortages in the area of the proposed subdivision.

B. For any division of land where water supply is to be by individual wells, every parcel map and final map to be recorded shall bear a statement that there is no guarantee that water is available on any lot or parcel on the recorded map.

C. **CONDITIONAL USE PERMIT, SITE PLAN, GENERAL PLAN AMENDMENT AND ZONE CHANGE.** The information required will be on a case-by-case basis. With the Planning Agency application, the results of water resource studies representative of the area shall be provided as required by the enforcement agency.

D. **AREA VARIANCE:** The information required will be on a case-by-case basis.

E. **ENVIRONMENTAL IMPACT REPORT:** If drilled wells are proposed, water resource information on each and every parcel of the project shall be provided at the time of application. This requirement may be waived if the enforcement agency has determined it possesses adequate information on said water resources.

F. For any land use project proposing to create a public water system, a Preliminary Basis of Design shall be submitted at the time of application to the planning agency. Said design shall include as a minimum the following information:

1. Information on source availability, including total quantity and quality of water available.
2. Projected water quantity demands, including peak flows, fire flows, and other applicable flows.
3. Storage requirements.
4. Specifications on well construction demonstrating compliance with this Chapter.
5. Proposed treatment facilities, if any.
6. Proof of financial responsibility in accordance with the California Safe Drinking Water Act (~~California Health and Safety Code 4041-4039.5~~Cal. Health & Safety Code §§116760 – 116762.60). (Ord. 1717, 06/11/1991)

### **Sec. L-X 4.3 Connections to Public Water Supply**

For any division of land where an approved public water supply system is available within 200 feet of the parcels, said parcel shall be connected to the approved system unless water meeting California Drinking Water Standards is proven to be available from other sources.

A “will serve” letter from an approved water supply system shall be provided with the application to the planning agency.

Proof of service from an approved water supply system shall be provided before final approval of the map can be given. (Ord. 1717.5 (06/11/1991))

#### **Sec. L-X 4.4 Creation of Public Entity**

For any division of land where a public water system is to be created for the supply of water, either a public entity shall be formed or the system must be approved for inclusion in an existing public entity. Said entity shall comply with the provisions of the California Health and Safety Code, California Code of Regulations, and/or Government Code for the creation of such entities. The formation of said entity shall be a condition of approval for the tentative map. (Ord. 1717.5 (06/11/1991))

### **~~ARTICLE~~ SECTION 5 APPEALS**

#### **Sec. L-X 5.1 Appeal Procedures**

A. **RIGHT OF HEARING:** Any person whose application for a permit has been denied or granted conditionally, or whose permit has been suspended or revoked, or whose Well Permit Completion has been denied, or whose application for variance has been denied, may appeal to the Health Officer, in writing, within fifteen (15) calendar days after any such denial, conditional granting, suspension, or revocation. Such appeal shall specify the grounds upon which it is taken and shall be accompanied by the appropriate fee. The Health Officer shall set such appeal for hearing within fifteen (15) calendar days.

B. **ACTION BY THE HEALTH OFFICER:** After such hearing, the Health Officer may affirm, reverse wholly or partly, or modify the order or determination appealed from.

C. APPEAL TO THE BOARD OF SUPERVISORS: Any person shall have a right to appeal an adverse decision of the Health Officer to the Board of Supervisors within ten (10) calendar days of the adverse decision.

An appeal shall be filed with the Clerk of the Board of Supervisors on the required form. Any such appeal shall be accompanied by a fee, the sum of which shall be the same as that for appeals of land use matters under ~~Sections Article~~ 33 and 35 of ~~the Chapter governing ZoningH of the Land Use and Development Codeof this Code~~ and which shall be paid to the Clerk of the Board of Supervisors. The purpose of a statement on the appeal is to facilitate the Board's initial determination as to the propriety and merit of the appeal as per subsection D below.

D. An appeal shall only be filed on the official form to be provided by the Clerk of the Board of Supervisors, together with such additional pages as may be necessary. A statement of appeal shall include:

1. Identification of the project and the decision of the enforcement agency action which is the basis of the appeal.
2. A statement of the reasons for the appeal.
3. A statement of ~~the~~ specific provisions which are being appealed.
4. A statement of the changes or action requested of the Board of Supervisors.
5. A summation of the arguments to be raised by the appellant.
6. Identification of the appellant.

E. Upon the filing of an appeal with the Board of Supervisors, the Clerk shall present any such appeal to the Board of Supervisors at their next regular meeting. At that time, the Board shall determine if the appeal was filed within the applicable time limits and shall summarily reject any appeal which is filed beyond the time limits. Further, the Board shall determine if the appeal contains sufficient information as required by "D" above. If the Board determines that the information as supplied in the appeal is incomplete, it may:

1. Summarily reject the appeal for any such insufficiency of statement on appeal; or it may
  2. Instruct the Clerk of the Board of Supervisors to immediately notify the appellant of the insufficiency and allow the appellant an additional seven (7) working days in which to correct any such deficiency. If upon the expiration of any additional time the Board determines that the statement on appeal is still insufficient, it shall summarily reject the appeal.
- F. Upon presentation of the Notice of Appeal, together with the required statement on appeal to the Board of Supervisors, the Board may summarily reject the appeal if it finds that the matter being appealed is a requirement of law or if, by unanimous vote, it finds the appeal unmeritorious; or the Board may set the matter for public hearing as soon as time on its agenda permits, and in accordance with any other time requirements of law.
- G. **DECISION BY BOARD:** The Board may reverse or affirm, wholly or in part, or modify the decision and may make such order as should be made. Such action shall be final. (Ord. 1717, 6/11/91)

## **~~ARTICLE~~ SECTION 6 ENFORCEMENT**

### **Sec. L-X 6.1 Criminal Enforcement**

A. The Director shall be the person primarily responsible for enforcing the provisions of this Chapter. To the extent any violation is designated to be an infraction, the Code Enforcement Division of the County of Nevada ~~County~~ is also authorized to enforce such provisions and both shall have the authority to issue citations for infractions.

B. Any act in violation of the terms of this Chapter and the standards established pursuant thereto is hereby declared to constitute a public nuisance which shall be punishable as an infraction as provided for in Section Article 37 of the Chapter governing Zoning ~~H of the Land Use and Development Nevada County~~ Code. (Ord. 1717, ~~06/11/1991~~)

### **Sec. L-X 6.2 Notice of Violation**



A. NOTICE OF VIOLATION RECORDATION: Whenever the enforcement agency determines that a well (1) has not been completed in accordance with a well permit or the plans and specification relating thereto, or (2) has been constructed without the required permit, or (3) is abandoned and has not been destroyed in accordance with this Chapter, the enforcement agency may record a notice of violation with the Office of the County Recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible for the violation shall be notified of the recordation, if their address is available.

If the property owner(s) or authorized agent disagree with the determination, ~~they/he/she~~ may submit evidence to the enforcement agency indicating that there is no violation and then shall have a right to appeal an adverse decision of the enforcement agency to the Health Officer in accordance with the provisions of ~~Article~~-5 of this Chapter.

B. REMOVAL OF VIOLATION NOTICE: The enforcement agency shall submit a removal of notice of violation to the County Recorder when (1) it is determined by the enforcement agency or the Health Officer, after review, that no violation of this Chapter exists; or (2) all required and corrective work has been completed and approved by the enforcement agency; or (3) when so directed by the appeal decision of the Health Officer or the Board. (Ord. 1717, ~~(06/11/1991)~~)

### **Sec. L-X 6.3 Civil Enforcement - Nuisance**

A. Any well dug, bored, drilled, deepened, modified, reconstructed, repaired or maintained contrary to the provisions of this Chapter or conditions attached to any permit or variance is unlawful and a public nuisance and the duly constituted authorities of ~~the County of~~ Nevada ~~County~~ may commence any action or proceeding for the abatement, removal or enjoinder thereof in the manner provided by law.

B. Failure to comply with the conditions attached to a permit or variance to dig, bore, drill, deepen, modify, reconstruct, repair or maintain a well, or operate, monitor or maintain an approved water supply may result in the revocation of the permit by the enforcement agency. (Ord. 1717, ~~(06/11/1991)~~)

### **Sec. L-X 6.4 Remedies Cumulative**

The remedies available to the enforcement agency to enforce this Chapter are in addition to any other remedies available under ordinance or statute and do not replace or supplant any other remedy, but are cumulative thereto. (Ord. 1717.5 (06/11/1991))

#### **Sec. L-X 6.5 Notification of Licensing Agencies**

The enforcement agency shall notify licensing agencies of any contractor that performs unauthorized work that violates this Chapter. (Ord. 1717.5 (06/11/1991))