

PLACER COUNTY
WATER WELL CONSTRUCTUON
ORDINANCE



EFFECTIVE:
JULY 19, 1990

County of Placer
Department of Health and Human Services
Environmental Health Division
3091 County Center Dr. Suite 180
Auburn, CA 95603

PLACER COUNTY CODE
SUBCHAPTER 8: WELLS
JULY 19, 1990

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PLACER COUNTY CODE
SUBCHAPTER 8: WELLS

SEC. 4.800

INTENT OF ORDINANCE: It is the purpose of this ordinance to protect the health, safety, and general welfare of the people of the County of Placer by ensuring that the ground waters of this County will not be polluted or contaminated. To this end, minimum requirements are contained in this ordinance for construction, repair, and destruction of water wells, cathodic protection wells, and monitoring wells.

SEC. 4.802 DEFINITIONS AND INTERPRETATION:

- (a) **AS DEFINED IN OTHER DOCUMENTS:** Except as otherwise required by the context of this ordinance, the terms used in this ordinance shall have the same meaning as in Chapter 10 of Division 7 of the California Water Code and the Department of Water Resources Bulletin 47-81 and subsequent supplements or revisions.
- (b) “BOARD” shall mean the Placer County Board of Supervisors.
- (c) “ENFORCEMENT AGENCY” shall mean the Environmental Health Division of the Department of Health and Medical Services.
- (d) “HEALTH OFFICER” shall mean the Health Officer of the County of Placer.
- (e) “MONITORING WELLS” is defined in Section 13712 of the California Water Code as any artificial excavation by any method for the purpose of monitoring fluctuations in ground waters, or the concentration of contaminants in underground water. For the purpose of this ordinance, “Monitoring Well” shall include vadose zone wells and other subsurface excavations for the purpose of determining the presence or absence of contaminants.
- (f) “PERSON” shall mean any person, firm, corporation or governmental agency, to the extent authorized by law.

- (g) “WELL OR WATER WELL” The California Water Code defines well or water well to mean “...any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground.” The State Water Resources Control Board does not intend that potholes, drainage trenches or canals, wastewater ponds, shallow root zone piezometers, stock ponds, or similar excavations be included within the definition of wells.
- (h) “ABANDONED WELL”
- (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 years;
 - (3) A well which is in such a state of disrepair it cannot be made functional for its original use or any other use regulated by this Article; or
 - (4) An engineering test hole 24 hours after construction and testing work has been completed on the site.
 - (5) A well may not be considered abandoned if the owner declares his intention, in writing, to use such well again for supplying water or for other such approved purposes, and if such well has no defects in construction which would cause pollution or contamination to the potable groundwater by surface water, is covered with a safe well cover, is so marked as to be clearly seen, and the ground area surrounding the well is sloped away from the casing and kept clear of brush and debris.
- (i) “DIRECTOR OF ENVIRONMENTAL HEALTH” shall mean the Placer County Director of Environmental Health or his authorized representative.

- (j) 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 the plural the singular.
- (k) SECTION HEADINGS, when contained in this ordinance, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any section.

SEC. 4.804 GENERAL REQUIREMENTS AND RESPONSIBILITIES:

- (a) INDIVIDUAL WELLS REQUIRED: When individual water supplies are the proposed domestic water supply, each lot or parcel shall have its own individually drilled well located on the subject lot or parcel. This Section shall not apply to lots or parcels served by a County approved public water supply where wells are the water source.
- (b) WATER SUPPLY REQUIRED BEFORE CONSTRUCTION:
 - (1) As to any lot of less than 100,000 square feet no person shall commence construction of a single family residential building thereon until water adequate for domestic use is provided on such lot from a well constructed in compliance to this chapter.
 - (2) Water shall be adequate for domestic use is the water, the source, and any storage facility meet all applicable State and County public health standards and meets current requirements of Chapter 19 of this Code. (See provisions of Land Development Manual.)
 - (3) The Health Department may waive the provisions of Subsection (1) above if it has sufficient evidence of such groundwater availability and adequacy.
- (c) RESPONSIBILITIES:
 - (1) It shall be the responsibility of the well driller to construct all wells in a manner consistent with the requirements of this ordinance.

- (2) It shall be the responsibility of the property owner to maintain any well existing on his property in such a manner as to not create the risk of pollution or contamination of surface or subsurface waters or to create a safety hazard.
- (3) The owner shall be responsible for destruction of wells where required by this ordinance except when required pursuant to Section 4.818 (d).
- (d) FILING FEES may be set by the Board from time to time by ordinance. Fees are set forth in Chapter 2, Section 2.1200 of the Placer County Code. The enforcement agency shall notify local licensed well drillers prior to a fee ordinance submittal to the Board of Supervisors.

SEC. 4.808 PERMIT APPLICATION:

- (a) WHEN REQUIRED: No person shall dig, bore, drill, deepen, modify, repair, or destroy a water well, cathodic protection well, observation well, monitoring well without first applying for and receiving a permit as provided in this ordinance unless exempted by law.
- (b) PENALTY FOR FAILURE TO OBTAIN PERMIT: Any person who commences any work for which a permit is required by this ordinance without having previously obtained a permit shall be required it subsequently granted a permit for his work, to pay double the standard permit fee.
- (c) EMERGENCY WORK: The above provisions shall not apply to emergency work required on short notice 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 provided 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.
- (4) CONFORMANCE WITH STANDARDS: Demonstrate that all work performed was in conformance with the technical standards as designated in Section 4.820.

SEC. 4.810 PERMIT APPLICATION PROCEDURE:

- (a) Applications for permit 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 ordinance. The application shall be accompanied by the required filing fee.
- (b) If the enforcement agency finds the application contains all necessary information and that the proposed work will comply with this ordinance, it shall issue to the applicant a comprehensive permit containing such conditions as are necessary to fulfill the purpose of this ordinance.
- (c) A permit shall be issued only to a person licensed under State law as per Section 4.812 (b) of this ordinance.
- (d) The enforcement agency shall respond to an application for permit within five (5) working days after receipt of the completed application.
- (e) A permit issued pursuant to these rules shall be effective for one (1) year from the date of issuance for the authorized work. The permit is not transferable. Once a well is installed pursuant to the permit, conditions imposed as requirements for permit issuance shall continue in force as long as system is used.
- (f) Renewal of a permit may be granted to the original permittee if an application for permit renewal is filed prior to the original application expiration date. Application for permit renewal shall conform to the requirements of Section 4.810 of this rule. The permit shall be issued or denied consistent with this ordinance.

- (g) An application is complete only when the form, on its face, is completed in full, is signed by the licensed well driller described below, and is accompanied by all required exhibits and fees.

Except for Monitoring Wells the exhibits shall include:

- (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 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 (on-site sewage systems, sewer lines, animal feed lots, etc.) and property lines within 150 feet of the proposed well site;
 - (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.
- (h) For Monitoring Wells the exhibits shall include all information required in the Enforcement Agency's Monitoring Well application checklist.
 - (i) The application form shall be received by the enforcement agency only when the form is complete as detailed in Section (g) of this rule.
 - (j) The permit shall be deemed issued only when signed by the enforcement agency or pursuant to Section (b) of this rule.

- (k) Dry Holes: Alternative sites other than the primary drilling site may be indicated on the initial permit application. In event the primary well site results in a dry hole, one or more of the indicated alternative sites may be drilled. The permittee shall advise the enforcement agency by submitting a revised site plan. All dry wells must be destroyed pursuant to Bulletin 74-81 and so indicated by the permittee on the revised site plan.

SEC. 4.812 PERMIT CONDITIONS:

- (a) LIMITATIONS: When the enforcement agency issues a permit pursuant to this ordinance, it may condition the permit in any manner necessary to carry out the purposes of this ordinance. 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 an active C-57 contractor's license in accordance with the provisions of the California Business and Professions Code.
- (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 ordinance.
- (d) POSTING OF PERMIT: It shall be the responsibility of the permittee to maintain a copy of a permit on the drilling site during all stages of construction, destruction, or modification.

SEC. 4.814 PERMIT- DENIAL:

- (a) The enforcement agency shall deny a permit if, 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 ordinance.

- (3) The proposed work, if constructed, would violate Section 4.824 of this ordinance.
 - (4) If there are abandoned wells on the property and no application for permits have been made to destroy such wells.
 - (5) The proposed construction will be in conflict with any on-site sewage disposal area which has been appropriately tested and approved; subject to contamination or create a risk of contamination of usable groundwater.
- (b) The enforcement agency shall either issue or deny the permit within ten (10) working days after receipt of the completed application stating reason for denial in writing. Unless the permit is issued or denied within ten (10) working days it shall be deemed approved.
 - (c) Denied Permits may be appealed pursuant to Section 4.836.

SEC. 4.816 PERMIT- EXPIRATION:

- (a) 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.

SEC. 4.818 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 ordinance, whenever it finds that the permittee has violated any of the provisions of this ordinance, or has misrepresented any material fact in his 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 enforcement agency head or his designated representative. An appeal within ten (10) working days may be made as set forth below.

(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 a stop work order 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, suspending or revoking any permit, the enforcement agency may order the permittee to perform any work reasonably necessary to protect the underground waters 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 underground waters. No permittee or person who has held any permit issued pursuant to the ordinance shall fail to comply with any such order.

SEC. 4.820 WELL STANDARDS

Except as otherwise specified, the standards for the construction, modification or destruction of wells shall be as set forth in:

- (1) DEPARTMENT OF WATER RESOURCES BULLETIN 74-81: The California Department of Water Resources Bulletin 74-81 "Water Well Standards, State of California" except as modified by subsequent revisions.
- (2) ALL SUBSEQUENT SUPPLEMENTS AND REVISIONS: All subsequent Bulletin 74-81 supplements or revisions issued by the Department of Water Resources, once the revised standards have been reviewed at appropriate public hearing.

SEC. 4.822 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 above and to prescribe alternative requirements in their place.

- (b) SPECIAL CIRCUMSTANCES: There must be, in a specific case, a special circumstance where practical difficulties or unnecessary hardship would result from the strict interpretation and enforcement of any standard. In these instances a variance may be granted by the enforcing agency if in the opinion of the Director of Environmental Health no public health nor water quality hazard would be created.
- (1) An application for a variance shall be submitted to the enforcing agency by the property owner or licensed well driller on forms provided by the enforcing agency and attached appropriate filing fee. The enforcement agency shall respond to the filing of a completed application for a variance within ten (10) working days.
 - (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. Inspections may be waived for Monitoring Wells at the discretion of the enforcement agency.
 - (3) Where setback requirements are reduced pursuant to this variance procedure, the Director of Environmental Health may require larger and/or deeper annular seals, special casings or other construction features to protect the public health and groundwater quality. Setback and annular seal depth requirements for Monitoring Wells shall be determined by the enforcement agency.
 - (4) The enforcement agency may require of any well constructed pursuant to this variance procedure the submittal a water sample from said well to State licensed laboratory to be analyzed for chemical and bacteriological quality. The results of these tests shall be submitted to the enforcement agency.

- (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 24 months from date of completion. Should there be evidence of contamination of the well, appropriate repairs or abandonment of the well may be required by the enforcement agency.
 - (6) The decision of the Director of Environmental Health regarding a variance request may be appealed by any interested party to the Health Officer within fifteen (15) working days of the variance decision pursuant to Section 4.836.
 - (7) Variance shall not be granted to allow the creation of substandard nor non-conforming lots or parcels.
- (c) **INTENT OF ORDINANCE NOT COMPROMISED:** The granting of such a variance is consistent with the purpose of this ordinance.

SEC. 4.824 SPECIAL GROUNDWATER PROTECTION:

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

SEC. 4.826 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, an inspection at the completion of the work, and inspections at such other times as it deems appropriate. Inspections may be waived for Monitoring Wells at the discretion of the enforcement agency.

SEC. 4.828 INITIAL INSPECTION:

- (a) Upon receipt of an application, the enforcement agency may make an inspection of the drilling site prior to the issuance of a well permit.

SEC. 4.830 INSPECTION OF WELL SEAL:

The requirements of the following subsections may be waived for Monitoring Wells at the discretion of the enforcement agency.

- (a) The enforcement agency shall inspect the annular space grout depth prior to the sealing.
- (b) **REQUIRED NOTICE:** The well driller shall notify the enforcement agency a minimum of two (2) hours prior to well sealing the annular space of a well and notification consists of submitting:
 - (1) Valid Permit Number
 - (2) Date and Specific Time of Well Sealing
 - (3) Location of Well Sealing
 - (4) Permittee name
- (c) The enforcement agency shall cause to be issued an inspection request number to acknowledge receipt of the inspection request. The enforcement agency shall maintain a special telephone service which allows well drillers to notify the enforcement agency of well seal times on a twenty-four (24) hour basis. The enforcement agency shall cause to be issued an inspection request number to acknowledge receipt of the inspection request.
- (d) No well seal shall be placed without first obtaining an inspection request number.
- (e) **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 ordinance and any permit conditions. In this instance the enforcement agency may require a statement on the well drillers report that the annular seal was constructed according to Bulletin 74-81 and its supplements and was not inspected by the enforcement agency.

- (f) **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 15 minutes the enforcement agency shall leave the site. The well driller shall notify the enforcement agency of the need for re-inspection for any future inspection of the work. The well driller shall pay a re-inspection fee prior to requesting the re-inspection.
- (g) **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 one (1) hour prior to the previously arranged well seal inspection time. If the notification is less than one (1) hour notice then the well driller must submit a fee for a re-inspection and proceed as outlined in Section (b) above. Only one postponement per well site shall be allowed.
- (h) **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.

SEC. 4.831 CERTIFICATE OF SATISFACTORY WELL COMPLETION:

The requirements of this Section shall not apply to Monitoring Wells.

- (a) The enforcement agency shall issue only to the applicant a Certificate of Satisfactory Well Completion, if upon inspection of the work, the work complies with this ordinance and the conditions of the permit.
- (b) If inspected work does not comply with this ordinance and the conditions of the permit, the permittee shall be notified in writing. Work deficiencies shall be explained and satisfactory completion or well destruction required. A Certificate shall be issued upon satisfactory completion.

- (c) No person shall connect to or use any well, completed on or after the effective date of this Ordinance unless a Certificate of Satisfactory Well Completion has been issued for the installation.
- (d) A Certificate of Satisfactory Well Completion shall only be issued to the permittee where the enforcement agency has received the well report.
- (e) Denial of a Certificate of Satisfactory Well Completion may be appealed in accordance with Section 4.836.

SEC. 4.832 FINAL INSPECTION:

- (a) If requested by the enforcement agency, the driller shall notify the enforcement agency within seven days of the completion of the 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 ordinance.
- (b) **SUBMITTAL OF STATE "REPORT OF COMPLETION":**
A copy of the "Report of Completion" (Water Well Driller's Report, Department of Water Resources Form 188) required by California Water Code shall be submitted by the permittee to the enforcement agency within ninety days of construction, alteration, or destruction of any well. This report shall document that the work was completed in accordance with the standards 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.
- (c) **CONFIDENTIALITY OF REPORT:** In accordance with California Water Code 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.

(d) OTHER AGENCY'S REQUIREMENTS:

Nothing in this ordinance shall be deemed to excuse any person from compliance with the provisions of California Water Code Sections 13750 through 13755 relating to notices and reports of completion or any other Federal, State, or Local reporting regulations.

- (e) 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.

SEC. 4.836 APPEALS

(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 variance request has been denied, may appeal to the Health Officer, in writing, on forms approved by the enforcement agency, within ten 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 a filing fee as set forth in Placer County Code Chapter 2, Section 2.1200. The Health Officer shall set such appeal for hearing within fifteen (15) working days and shall notify the appellant and the enforcement agency, in writing, of the time so set at least five days prior to the hearing.

(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.

SEC. 4.838 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 such enforcement and administration. If any such premises are occupied, he shall first present proper credentials and demand entry. If the same is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of same and demand entry. If such entry is refused, he shall have recourse to such remedies as are provided by law to secure entry.

SEC. 4.840 ABATEMENT OF ABANDONED WELLS

All persons owning an abandoned well as defined in the well standards shall destroy it before December 31, 1991 except those excluded by California Health and Safety Code.

SEC. 4.842 CRIMINAL AND CIVIL ENFORCEMENT

- (a) The Director of Environmental Health or his authorized representative shall have the authority to issue citations for infractions and misdemeanors.
- (b) Violation: Any person who violates any of the provisions of this ordinance on the first offense is guilty of an infraction and on the second offense is guilty of a misdemeanor.
- (c) The penalty for an infraction shall be a fine not exceeding \$250.00.
- (d) The penalty for a misdemeanor shall be a fine not exceeding \$1,000.00 or imprisonment for term not exceeding six (6) months, or by both such fine and imprisonment.

SEC. 4.844 CIVIL ENFORCEMENT – NOTICE OF VIOLATION:

- (a) NOTICE OF VIOLATION RECORDATION: Whenever the enforcement agency determines that a well (a) has not been completed in accordance with a well permit or the plans and specification relating thereto, (b) has been constructed without the required permit, or (c) an abandoned well has not been destroyed in accordance with the standards, 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, he 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 the following Section.

- (b) APPEAL- ACTION BY THE HEALTH OFFICER:
- (1) Date of Hearing: Upon receipt of the notice of appeal, the Health Officer shall within fifteen working days following the filing of the appeal, set a date for public hearing thereon.
 - (2) EVIDENCE: The evidence before the Health Officer shall consist of the records in the enforcement agency's files and any other relevant evidence which, in the judgment of the Health Officer, should be considered to effectuate and implement the policies of this ordinance.
 - (3) DECISION BY HEALTH OFFICER: The Health Officer may reverse or affirm, wholly or in part, or modify the decision or the notice of violation and may make such order as should be made. Such action shall be final.
- (c) REMOVAL OF VIOLATION NOTICE: The enforcement agency shall submit a removal notice of violation to the county recorder when (a) it is determined by the enforcement agency or the Health Officer, after review, that no violation of this ordinance exists; or (b) all required and corrective work has been completed and approved by the enforcement agency.

SEC. 4.846 CIVIL ENFORCEMENT- NUISANCE:

Violations of this ordinance may also be redressed in the manner hereinafter set forth by civil action. In addition to being subject to prosecution, any person who violates any of the provisions of this ordinance may be made the subject of a civil action. Appropriate civil action includes, but is not limited to, injunctive relief and cost recovery.

SEC. 4.848 REMEDIES CUMULATIVE:

The remedies available to the Health Officer to enforce this ordinance are in addition to any other remedies available under ordinance or statute, and do not replace or supplant any other remedy by are cumulative thereto.

SEC. 4.850 BUILDING PERMITS:

(a) The enforcement agency shall not sign-off on building permit applications if wells drilled on the property after the effective date of this ordinance do not comply with this ordinance.

- (b) The enforcement agency shall not sign-off building permits if there are any abandoned well(s) on the property that have not been destroyed or permitted to be destroyed pursuant to this ordinance.
- (c) The enforcement agency shall not sign-off on a Certificate of Occupancy on property which contains a well constructed and inspected not in compliance with this ordinance after the effective date of this ordinance.

SEC. 4.854 WELLS CONSTRUCTED AFTER THE EFFECTIVE DATE of this ordinance and are not in compliance with this ordinance shall be destroyed pursuant to this ordinance.

SEC. 4.856 ENFORCEMENT- GENERALLY:

The County Environmental Health Division shall be empowered to enforce the provisions of this ordinance and of Bulletin 74 including the amendments herein or hereafter adopted. (Ord. 2921)

SEC. 4.858 REPORTS TO THE REGIONAL BOARD: Pursuant to California Water Code Section 13225 (c), the enforcement agency shall submit a report, not less than annually, to the California Regional Water Quality Control Board having jurisdiction in their area. This report shall contain the following data, unless the Regional Board determines a lesser amount of information is necessary:

- (a) **WELLS CONSTRUCTED OR DESTROYED:** The number of wells constructed or destroyed.
- (b) **ABATEMENT ACTIONS:** Descriptions of all destructions undertaken by the enforcement agency using its regulatory authority under nuisance abatement powers.
- (c) **VARIANCES GRANTED:** A description of each specific case where variances were granted and the circumstances that made a variance necessary.
- (d) **INSPECTION WAIVERS GRANTED:** A description of each specific case where an inspection was waived and the circumstances that made the waiver necessary.

SEC. 4.860 SEVERABILITY: If any section, subsection, paragraph, sentence, clause, or phase of this ordinance is for any reason held to be invalid, or unconstitutional by a decision of a court of competent jurisdiction, it shall not affect the remaining portions of this ordinance, including any other section, subsection, sentence, clause, or phase therein.

SEC. 4.862 APPEALS- ACTION BY THE BOARD OF SUPERVISORS:

- (a) Any person who has applied for a permit shall have a right to appeal an adverse decision of the Health Officer to the Board in accordance with the provisions of the following Section.
- (b) **DATE OF HEARING:** Upon receipt of the notice of appeal, the Clerk of the Board shall, within fifteen (15) days following the filing of the appeal, set a date for public hearing thereon.
- (c) **EVIDENCE:** The evidence before the Board shall consist of the records in the enforcement agency's files and any other relevant evidence which, in the judgment of the Board, should be considered to effectuate and implement the policies of this ordinance.
- (d) **DECISION BY BOARD:** The Board may reverse or affirm, wholly or in part, or modify the decision or the notice of violation and may make such order as should be made. Such action shall be final.

SEC. 4.864 SPECIAL MEETINGS:

The enforcement agency shall meet with the well drillers working within the County at least once every six months.