

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA AMENDING TITLE 9 OF THE TEHAMA COUNTY CODE RELATING TO GROUNDWATER WELL PERMITS AND DORMANT GROUNDWATER WELLS

THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA ORDAINS AS FOLLOWS:

SECTION 1. Section 9.42.334 of the Tehama County Code is hereby repealed.

SECTION 2. Section 9.42.334 is hereby added to the Tehama County Code to read:

9.42.334 Permitted Use Required; Exemptions.

A. Except as provided in subdivision (b), no permit shall be issued for any individual well with a casing diameter of eight (8) inches or less unless all of the following conditions are met:

1. The property owner submits a statement to the director of environmental health, under penalty of perjury, identifying the use(s) to which any groundwater extracted from the well will be put, provided such use(s) do not violate any provision of federal or state law or the Tehama County Code.
2. (i) The applicant submits financial assurances, in the form of a cash deposit or other method acceptable to the director of environmental health, in the amount of \$300 guaranteeing compliance with all applicable provisions of federal and state law and the Tehama County Code.

(ii) Such financial assurances shall be maintained in full force and effect until the well is idled in accordance with Section 9.42.399, or until issuance of a final certificate of occupancy establishing a permitted use on the parcel under Subdivision (C)(1) or (C)(2) of this Section, whichever occurs first. Upon satisfaction of the foregoing conditions, the financial security shall be released to the current record owner of the property.

(iii) Such financial assurances shall be forfeited upon a final administrative determination under Chapter 9.06 or Chapter 10.16 of a public nuisance or other violation of the Tehama County Code occurring upon the premises. The proceeds from such forfeited financial assurances may be used defray any abatement costs, administrative costs, or administrative penalties assessed by the County relating to such public nuisance or other violation of the Tehama County Code.

3. In the event of a final administrative determination under Chapter 9.06 or Chapter 10.16 of a public nuisance or other violation of the Tehama County Code occurring upon the premises, the director of environmental health may order that the well permitted hereunder be idled in accordance with Section 9.42.299 and not reactivated, unless a permitted use has been established on the parcel under Subdivision (C)(1) or (C)(2) of this Section.

B. The following individual wells are exempt from the requirements of subdivision (a):

1. A well permit may be issued if the parcel upon which the well is located contains a permitted use which will be supplied by the well.
2. A well permit may be issued for an individual well that will supply a structure or manufactured home for which a building permit has been obtained, and not expired, if that structure when completed and actually used will constitute a permitted use under this section.
2. A well permit may be issued for an individual well that will supply an off-parcel use for which a permit has been issued in accordance with Chapter 9.40 of this Code.

C. For purposes of this section and Section 9.42.399, "permitted use" shall mean only the following, as determined by the Director of Planning in accordance with Title 17 of this Code:

1. In the case of property located within the R-1, R-2, R-3, R-4, RE, AG-1, AG-2, AG-3, and AG-4 zoning districts, actual residential use of the premises that is conducted in a residential structure or manufactured home on a permitted foundation system for which a final certificate of occupancy has been issued in accordance with Title 15 of the Tehama County Code.
2. In the case of property located within the C-1, C-2, C-3, C-4, M-1, M-2,

GR, PD, PA, and AV zoning districts, actual use of the premises for a purpose permitted within that zoning district and otherwise in compliance with the Tehama County Code that is conducted in a structure or manufactured home on a permitted foundation system for which a final certificate of occupancy authorizing such use has been issued in accordance with Title 15 of the Tehama County Code.

3. In AG-1, AG-2, AG-3, AG-4, NR, GR, and PF zoning districts, an active commercial agricultural use that is permitted within that zoning district and otherwise in compliance with the Tehama County Code.

SECTION 3. Section 9.42.399 of the Tehama County Code is hereby repealed.

SECTION 4. Section 9.42.399 is hereby added to the Tehama County Code to read:

9.42.399 Maintenance of Dormant Wells.

A. Except where the context otherwise requires, the following definitions shall govern the construction of this section:

1. "Dormant well" shall mean any individual well with a casing diameter of eight inches or less which has not been used to supply water to a permitted use located on the same parcel for a period of ninety days or more.
2. "Permitted use" shall have the same meaning set forth in Section 9.42.334.

B. Except as provided in subdivision (D), every dormant well shall be idled by one of the following methods:

1. Remove and Cap
 - (i) Remove the pump and motor to render the well inoperative, and
 - (ii) Cover the well with a cap and weld (rigid bond) with a watertight seal that cannot be removed without the use of tools to prevent injury to persons and the entrance of undesirable water, rodents or foreign matter.
2. Disconnect, Plug, and Cap
 - (i) Disconnect all electrical wiring by clipping the wires at the well head, and
 - (ii) Push wires completely into the internal well cap space, and

- (iii) Plug electrical wire hole at the top of the well casing and weld (rigid bond) with a watertight seal that cannot be removed without the use of tools to prevent injury to persons and the entrance of undesirable water, rodents or foreign matter, and
 - (iv) Weld (rigid bond) all production portals which transport water from the groundwater wellhead with a watertight seal that cannot be removed without the use of tools to prevent injury to persons and the entrance of undesirable water, rodents or foreign matter.
- C. Any person idling a well under this section, or reactivating a well that was previously idled, shall provide written notification to the Director of Environmental Health. It shall be unlawful and a violation of this chapter for any person to tamper with the seal placed upon a dormant well, or to extract water from a dormant well, or to cause, permit, aid, abet, suffer, or furnish equipment or labor for such tampering or extraction, without first notifying the director of environmental health as provided herein.
- D. The following individual wells are exempt from this Section:
 - 1. An individual well actively used to supply an off-parcel use for which a permit has been issued in accordance with Chapter 9.40 of this Code, in compliance with the terms of that permit, shall not be considered a dormant well for purposes of this chapter.
 - 2. An individual well for which a permit has been issued under Section 9.42.334, subdivision (A), provided that such well remains in compliance with the conditions set forth in that Subdivision at all times. The owner of any dormant well heretofore permitted under any other provision of this Chapter may apply to the director of environmental health for issuance of an amended permit under Section 9.42.334, subdivision (A), subject to the conditions set forth therein.
- E. Any dormant well that is not idled in the manner set forth in this subsection is hereby declared to be a public nuisance. Such nuisance may be abated in the manner set forth in Chapter 10.16, in addition to any other remedies. The Director of Environmental Health, or his or her designee, may direct the method by which a dormant well shall be idled.

SECTION 5. This ordinance shall take effect thirty (30) days from the date of its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in the *Red Bluff Daily News*, a newspaper of general circulation in Tehama County.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Tehama, State of California, at a regular meeting of the Board of Supervisors on the ____ day of _____, 2017 by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

CHAIRMAN, Board of Supervisors

STATE OF CALIFORNIA)
) ss
COUNTY OF TEHAMA)

I, JENNIFER A. VISE, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California, hereby certify the above and foregoing to be a full, true and correct copy of an ordinance adopted by said Board of Supervisors on the _____ day of _____, 2017.

DATED: This ____ day of _____, 2017.

JENNIFER A. VISE, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California.

By _____
Deputy