



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING EL DORADO COUNTY ORDINANCE  
CODE TITLE 8 – PUBLIC HEALTH AND SAFETY,  
CHAPTER 8.39 – WELL STANDARDS**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN  
AS FOLLOWS:**

**Section 1.** Chapter 8.39 of Title 8 of the El Dorado County Ordinance Code entitled Well Standards is hereby amended in its entirety to read as follows:

**CHAPTER 8.39**

**WELL CONSTRUCTION AND WATER SUPPLY STANDARDS**

**Section 8.39.010 - Title**

This chapter shall be known as the “Well Construction and Water Supply Standards Ordinance” and may be cited as the County of El Dorado Well Ordinance.

**Section 8.39.020 - Purpose**

The purpose of this chapter is to protect the health, safety, and general welfare of the people within the County, and to further the County’s efforts to ensure groundwater will not be polluted or contaminated. Minimum requirements are contained in this chapter for construction, reconstruction, destruction, and repair of water wells, cathodic protection wells, soil borings, monitoring wells, and geothermal heat exchange wells. Reliable and safe water supplies for new construction and land developments are defined. In the event of a drought, and a State of Emergency is declared by the Governor of California (Governor), some requirements may be temporarily waived until such time that the Governor rescinds the State of Emergency and declares the drought is over.

**Section 8.39.030 - Adoption of State Standards**

Except as otherwise specified herein, the minimum standards for the construction, repair, reconstruction, or destruction of wells shall be as set forth in California Division of Water Resources “Water Well Standards” Bulletins 74-81, 74-90, and subsequent supplements or revisions thereto (hereinafter “California Water Well Standards”), which are hereby incorporated by reference.

### **Section 8.39.040 - Variances**

The Director shall have the power under this chapter to grant a variance from any provision of the standards referenced in section 8.39.030, and to prescribe alternative requirements in their place if: (i) a special circumstance exists where practical difficulties or unnecessary hardship would result from the strict interpretation and enforcement of any such standard; or (ii) the granting of such a variance is consistent with the purposes of this chapter and does not create a public health or water quality hazard.

### **Section 8.39.050 - Other Agency Requirements**

Nothing in this chapter shall be deemed to excuse any person from compliance with the provisions of California Water Code, section 13752, or any other federal, state, or local requirements and regulations relating to the protection of public water systems, including but not limited to, notices and reports of completion.

### **Section 8.39.060 - Conflicts**

The operation of this chapter shall in no way change or diminish the application of other ordinances, County General Plan, policy or regulation that already limit, disallow, or otherwise regulate the construction, reconstruction, destruction and repair, of water wells, cathodic protection wells, soil borings, monitoring wells, and geothermal heat exchange wells. In the event there is a conflict, the provision that establishes the higher standard for the promotion and protection of public health, safety, and welfare shall prevail.

### **Section 8.39.070 - Definitions**

- A. As Defined in Other Documents. Except as otherwise required by the context of this chapter, the terms used in this chapter shall have the same meaning as in chapter 10 of Division 7 of the California Water Code and the California Water Well Standards.
- B. 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.
- C. 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.
- D. Defined Terms. For purposes of this chapter, the following definitions shall apply:
  - 1. *Abandoned Well* - means a well whose original or functional purpose and use has been discontinued for a period of one (1) year and the owner has no intention to use the well for any other purposes in the future.
  - 2. *Board of Supervisors* - means the County of El Dorado, Board of Supervisors.

3. *Cathodic protection well* - means any artificial excavation in excess of fifty feet (50') deep constructed by any method for the purpose of installing equipment, or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.
4. *Contamination* - means an impairment of the quality of the waters of the State such that it creates a hazard to the public health through poisoning, the spread of disease, hazardous materials, or other substances. Contamination includes any equivalent effect resulting from the release of contaminants, whether or not waters of the State are affected.
5. *County* - means County of El Dorado.
6. *Days* - means calendar days, except as otherwise specified.
7. *Department* - means the County of El Dorado, Environmental Management Department.
8. *Director* - means the Environmental Management Department Director, or his/her authorized designee or successor.
9. *Domestic water supply* - means water used for indoor and/or outdoor household purposes that include activities at home including, but not limited to drinking, preparing food, bathing, washing clothes and dishes, brushing teeth, watering the yard and garden, and bathing pets.
10. *Enforcement agency* - means the County of El Dorado, Environmental Management Department.
11. *Geothermal heat exchange well* - means any uncased artificial excavation, by any method, that uses the heat exchange capacity of the earth for heating and cooling, in which excavation of the ambient ground temperature is thirty (30) degrees Celsius (eighty-six [86] degrees Fahrenheit) or less, and which excavation uses a closed loop fluid system to prevent the discharge, or escape of its fluid into surrounding aquifers or other geologic formations. Geothermal heat exchange wells include ground source heat pump wells.
12. *Monitoring well* or *observation well* - means any artificial excavation by any method for the purpose of monitoring the fluctuations in, quality of, or concentration of contaminants in groundwater.
13. *Onsite wastewater treatment system* - means a system of septic tank and subsurface dispersal system handling the liquid waste from any structure not served by a community sewer system.

14. *Person* - means any individual, organization, partnership, business, association, corporation, or governmental agency to the extent authorized by law.
15. *Pollution* - means an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects either: (i) the waters for beneficial uses; or (ii) facilities which serve these beneficial uses. Pollution may also include contamination.
16. *Potable or safe water* - means water that complies with maximum contaminant levels for primary drinking water standards of the constituents as listed in section 8.39.500.
17. *Private water well* - means a well that is used for domestic or agricultural water supply of an individual residence or systems of four or less service connections.
18. *Property line* - means the surveyed line separating one (1) piece of property from another or separating public rights-of-way from private properties.
19. *Public water system* - means a system that is used for the provision of water for human consumption through pipes or other constructed conveyances as defined by the California State Water Code.
20. *Repair or reconstruction* - means deepening or cleaning out of the well shaft, and can include the replacement and/or resealing of a well casing.
21. *Sewer* - means a pipe carrying waste from any structure or a pipe that is a part of any community sewer disposal system.
22. *Soil boring, exploratory well, or test well* - means an uncased artificial excavation constructed by any method for the purpose of obtaining information on subsurface conditions, or for the purpose of determining the presence or extent of contamination in subsurface soils or groundwater, or for seismic information.
23. *Source* - means surface water diversion, groundwater well, or spring.
24. *Spring* - means a subsurface source of flowing water that emerges naturally from rock or soil, and can be an approved source if constructed by methods to exclude surface water contamination.
25. *Well or water well* - means any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall not include: (i) oil and gas wells, or geothermal wells constructed under the jurisdiction of the California Department of Conservation, except those wells converted to be used as water wells; or (ii) wells used for the purpose of dewatering excavations during construction, or stabilizing hillsides or earth embankments.

### Section 8.39.080 - Parcel Size

Parcels are required to be a minimum of five (5) acres to be eligible for a private water well permit. If a parcel is less than five (5) acres, the following exceptions may apply and a water well permit may be issued, as long as all other requirements in this chapter are met: (i) if the parcel map or subdivision map does not designate the water supply, and the parcel was created prior to May 26, 1977; (ii) if the parcel was created by a gift deed recorded on or before October 10, 1983; and (iii) if the parcel was created on or after May 26, 1977, but before July 19, 2004, and the parcel is not less than four and one-half (4.5) acres.

Notwithstanding any other provisions to the contrary, no water well permit may be issued for a private water well on parcels that have existing or available public water system connection unless it will be used for agricultural purposes. Any well permit issued for such shall comply with the local public water system for backflow and cross connection prevention as defined in the California Code of Regulations Title 17 Section 7584.

### Section 8.39.090 - Setbacks

- A. All water wells shall be located such that adequate separation is provided between the well and areas with known or suspected contaminants or pollutants.
- B. The following setbacks shall be maintained:

Minimum Distance From:	Feet
Property line – parcels less than 5 acres	10
Property line – parcels 5 acres or greater	50
Sewer line (main, lateral or combined storm drain)	50
Public drinking water system main	50
Onsite wastewater treatment system (both septic tank and leach lines)	100
Hazardous materials underground storage tank	150
Animal or fowl enclosure	100
Flooded areas and drainages	Avoid or divert away from well

- C. If a drill site is located within County zoning setbacks, no structure over thirty inches (30”) high can be constructed over the wellhead.
- D. It is the responsibility of the well driller to ensure compliance with setbacks.

### Section 8.39.100 - Special Ground Water Protection

- A. The Director may require additional setbacks or special well seal conditions to prevent groundwater contamination when conditions present a potential threat to groundwater.

- B. The Director may designate areas where groundwater quality problems are known to exist, and where a well will penetrate more than one (1) water bearing zone. When an applicant proposes well construction, reconstruction, or destruction work where there are multiple water bearing zones, the Department may require the applicant to submit with the permit application a report prepared by a California Registered Professional Geologist, or a California Registered Professional Engineer (as defined in the California Business and Professions Code) that identifies all strata containing poor quality water and makes recommendations regarding the location and specifications of the seal or seals needed to prevent the entrance of poor quality water or its migration into other water bearing zones.
  
- C. If multiple aquifers are found prior to the grout seal inspection, the well driller shall notify the Department.

### **Section 8.39.110 - License Required**

All construction, reconstruction, or destruction work on wells shall be conducted by a contractor or other licensed professional who possesses an active Class C-57, Well Drilling California State Contractor's License, in accordance with the provisions of the California Business and Professions Code section 7000, et seq. and any other required licenses, permits, or certifications to perform such work.

### **Section 8.39.120 - Permits Required**

No person shall dig, bore, drill, deepen, modify, repair, or destroy a water well, cathodic protection well, soil boring, monitoring well, geothermal heat exchange well, or any other type of well excavation that may intersect groundwater without first applying for, and receiving a permit from the Department unless exempted by law.

### **Section 8.39.130 - Emergency Work**

The provisions of section 8.39.120 above shall not apply to emergency work required on short notice to maintain drinking water or agricultural supply systems. In such cases, the person responsible for the emergency work shall: (i) apply for a permit within three (3) working days after commencement of emergency work; (ii) satisfy the Department's requirements that such work was urgently needed; and (iii) demonstrate that all work performed was in conformance with this Ordinance.

### **Section 8.39.140 - Application Procedure**

- A. Applications for permits shall be submitted to the Department on the Department's approved forms and shall contain all such information that the enforcement agency requires to accomplish the purpose of this Ordinance. Applications shall include all of the following:
  - i. a vicinity map and clear driving directions to the property and well site;

- ii. two (2) copies of an accurate site plan drawn to scale showing the proposed well location, and the location of other significant features within two hundred (200) feet of the well location such as distances to property lines, septic tanks, leach lines, sewer lines, domestic water supply lines, existing wells, streams or ponds, animal enclosures, adjacent parcel development, structures, roads, driveways, easements, etc.;
  - iii. north arrow;
  - iv. the scale used for the site plan;
  - v. location and availability of alternative water source(s) (i.e. public water or existing well);
  - vi. provide information that any nearby alternative water source(s) are fitted with proper backflow prevention devices for source water protection; and
  - vii. applications for monitoring well destruction permits shall include a work plan that includes investigation results, if applicable, and the destruction method.
- B. Parcels to be developed with an on-site wastewater treatment system may be required to provide additional design information to the Department prior to permit approval.
- C. The signed application, accompanied by the required filing fee, shall be submitted by the property owner or their representative. Upon receipt of an application, the Department shall inspect the proposed drilling site prior to issuance of a water well permit. The purpose of this inspection is to determine whether site conditions exist that would preclude approval of a permit for the proposed site. If the Department finds that the application contains all necessary information and meets requirements for development eligibility, parcel size, and setbacks, a well permit will be issued. The permit shall contain such additional conditions that the Department finds is necessary to fulfill the purpose of this chapter. A water well permit issued by the Department pursuant to the provisions of this chapter is separate from any permit that may be required by any other governmental agency or entity.

### **Section 8.39.150 - Fees**

Fees shall be collected by the Department for a permit to dig, bore, drill, deepen, modify, repair, or destroy a water well, cathodic protection well, soil boring, monitoring well, or geothermal heat exchange well. In addition, fees may be collected for revisions, inactivation permits, penalties, re-inspections, and appeals. The Department's fees provided in this chapter shall be established by the Board of Supervisors from time to time by resolution.

### **Section 8.39.160 - Re-inspection Fees**

If the site is not ready for a scheduled inspection, and the inspection cannot be completed at the scheduled time, additional fees may be assessed in accordance with the Department's fee schedule and shall be payable prior to a re-inspection.

### **Section 8.39.170 - Penalty for Failure to Obtain Permit**

Any person who commences any work for which a permit is required pursuant to this chapter without having obtained said permit shall be required, if subsequently granted a permit for this work, to pay additional fees, in addition to any applicable fines and penalties.

### **Section 8.39.180 - Permit Denial**

The Department shall deny an application for a permit if issuance of a permit is not in compliance with the provisions of this chapter or would be inconsistent with any County plan, policy, or regulation.

### **Section 8.39.190 - Permit Expiration**

The permittee shall complete all work authorized and required by the permit within one (1) year of permit issuance. If there have been exceptional circumstances, and the permittee submits a written request prior to expiration of the permit, the Department may grant the applicant a one (1) year extension. Upon the expiration of the permit, no further work shall be done until the applicant has received a new permit.

### **Section 8.39.200 - Voiding of Permit Application**

Permit applications that are submitted shall be voided if the permit is not issued within one (1) year of the permit submittal date and the non-issuance is through no fault or delay by the County.

### **Section 8.39.210 - Refund of Permit Fees**

Refunds for submitted permit applications may be made to the applicant or its agent when requested in writing by the applicant prior to the date of expiration or voiding of a permit application. Department staff time spent reviewing and processing the permit may be deducted (using the approved Department's current billable hourly rate) from the amount of the refund. If the permit expires, or is voided prior to requesting a refund, no refund shall be paid.

### **Section 8.38.220 - Permit Revisions**

Permit application revisions shall be submitted for review and approval as follows: (i) change of the applicant's driller requires an amended permit application specifying the new driller and a new site plan; (ii) change of the drill site requires new site plan; or (iii) change in the proposed drilling methods.

### **Section 8.39.230 - Permit Suspension and Revocation**

The Department may suspend or revoke any permit issued pursuant to this chapter when it is found that the permittee has violated any of the provisions of this chapter, has failed to comply with any permit conditions, or has misrepresented any material fact in the application or any supporting documents for such a permit; or that the activity has caused or become a nuisance due to changed circumstances or conditions at the activity site, or the continuance of the activity



presents a public health, safety, or welfare concern. Prior to ordering any such suspension or revocation, the Department shall give the permittee reasonable notice for the opportunity of a hearing thereon. The hearing shall be before the Director or their authorized representative. An appeal from the hearing may be made as set forth in section 8.39.800 herein.

No person whose permit has been suspended or revoked by the Department shall continue to perform the work for which the permit was granted until, in the case of suspension, the Director has reinstated such permit, or issued a new permit.

#### **Section 8.39.240 - Ordered Additional Work**

Upon suspending or revoking any permit, if any work previously done by permittee has left a well in such a condition as to constitute a hazard to the quality of groundwater, as determined by the Department, the Department may order the permittee to perform any work reasonably necessary to protect groundwater from pollution or contamination.

#### **Section 8.39.250 - Annual Permits and Inspections for Monitoring Wells**

The Department may charge an annual permit fee, and may perform an annual inspection to confirm the status of the monitoring well.

#### **Section 8.39.260 - Drilling fluids**

- A. Drilling fluids used for boring a new well or deepening an existing well shall be free of contaminants. Water used for drilling fluids shall be obtained from a potable water source if being used for a new or existing private water well.
- B. The permit shall contain a clause requiring the safe and appropriate handling, and disposal of drilling fluids, and other drilling materials used in connection with the permitted work. Approved site specific Best Management Practices (BMPs) shall be implemented so that drilling fluids and soil cuttings remain on the permitted parcel unless another disposal method is approved for the site by the Department. Excavated pits dug for the disposal of drilling fluids shall be backfilled upon completion of the job.
- C. Wells drilled in the South Lake Tahoe Basin shall follow South Lake Tahoe Regional Planning Agency's (TRPA) BMPs for proper disposal of drilling fluids and abide by grading season requirements unless granted an exemption from TRPA.

#### **Section 8.39.270 - Water Well Construction**

- A. Public water well construction and operation shall comply with Title 22, California Code of Regulations, Chapter 16, and the California Waterworks Standards.

- B. In some cases, additional sealing requirements may be required and will be stipulated on the permit. The Department's requirements may be more stringent than California Well Standards.

### **Section 8.39.280 - Water Well Production**

- A. Water wells must be capable of providing, to each connection, a minimum of five (5) gallons per minute, either from the well itself, or a combination of the well and storage. Wells producing less than one (1) gallon per minute are not considered an adequate water supply.
- B. The production capacity of a well for a single family dwelling shall be determined from a four (4) hour well production test as defined in the California Water Well Standards. The production capacity shall be certified with an original signature by a licensed well driller, licensed pump contractor, or other licensed professional approved by the Department.
- C. The capacity of residential wells, with one (1) to four (4) water service connections, shall be determined from a well production test. The test shall meet criteria of at least one (1) of the test methods defined in the California Water Well Standards, or by another approved method accepted by the Department.
- D. For wells used for other than a single family dwelling, the Department shall determine the length of the pump testing required.
- E. Public water system wells are required to be pump tested for a minimum of seventy-two (72) hours following the criteria specified by the Department and the California State Water Resources Control Board.
- F. Pumping discharges shall be managed in compliance with approved site specific Best Management Practices (BMPs) and the County's Grading Design Manual Section B.4.D, as amended from time to time, so that runoff does not cause erosion or discharge pollutants to a storm drain system, watercourse or adjacent parcels. The Department encourages capture and reuse of production test water whenever possible.
- G. Well production test reports shall include the start and end time of the test period, shall be submitted on company letterhead, and signed by the licensed professional performing the test.

### **Section 8.39.290 - Submittal of State "Well Completion Report"**

The permittee and/or driller shall provide the Department, and the California Division of Water Resources, a well completion report within sixty (60) calendar days of the completion of any well construction, reconstruction, or destruction. This report shall document that the work was completed in accordance with the standards and all additional permit conditions.

### **Section 8.39.300 - Spring Construction and Production Requirement**

- A. New Public Water Systems that will rely on water supplied by springs or seeps must have the system designed by a California Registered Professional Geologist, or a California Registered Professional Engineer.
- B. Springs must be capable of providing to each connection a minimum of five (5) gallons per minute, either from the spring itself, or a combination of the spring and storage. Springs producing less than one (1) gallon per minute shall not be accepted as an adequate water supply.
- C. The production capacity of a spring shall be determined by measuring the discharge flow rate during the driest months of the year. The production capacity of a spring is valid for two (2) years from the date of testing, and shall be certified by a licensed well driller, licensed pump contractor, California Registered Professional Geologist, or a California Registered Professional Engineer.

### **Section 8.39.310 - Water Storage Requirement**

Wells or springs that are used for water supply that produce less than five (5) gallons per minute shall have at least one (1), one thousand (1,000) gallon additional storage tank installed. Additional structures on a parcel may increase the storage tank size requirement. The water storage requirement set forth herein is in addition to any Fire Department requirements for storage.

### **Section 8.39.320 - Destruction**

- A. All waste generated during destruction activities shall be properly managed. This includes, but is not limited to, all waters generated during debris removal or seal placement.
- B. Soil borings or test holes that are not completed as wells shall be completely filled with sealing material. Sealing material may be placed by free fall method only if the boring is dry, less than thirty (30) feet deep, and does not result in bridging or voids. Volume/fill calculation shall be completed to document successful destruction.
- C. In some cases, additional destruction requirements may be required and will be stipulated on the permit. The Department's requirements may be more stringent than California Well Standards.

### **Section 8.39.330 - Water Quality Public Water Wells**

- A. A water quality report that provides analysis results as required by California Code of Regulations, Title 22, must be submitted to the Department prior to receiving a final inspection for a building permit and operation of the well or water system. The water quality samples shall be analyzed by a California State certified laboratory. Water

quality testing conducted as part of the land development process satisfies this requirement, including coliform tests analyzed within the past one (1) year.

- B. Water supplies that do not meet State primary drinking water standards for acute health risks shall not be approved for use by this Department without the installation of a certified treatment system that reduces the contaminant level to safe health standards.
- C. Water supplies that exceed Title 22 of the California Code of Regulations, Drinking Water Standards for chronic contaminants, shall have a deed restriction recorded on the parcel stating that the water supply is not potable without the installation of a certified treatment system that reduces the contaminant level to safe health standards. These chronic contaminants include, but are not limited to, the following constituents:
  - Total and fecal coliform
  - Nitrate as nitrogen
  - Nitrite as nitrogen
  - Nitrate plus Nitrite as nitrogen
  - Arsenic
- D. Initial results that exceed the Maximum Contaminant Levels (MCL) specified in Title 22 of the California Code of Regulations may be re-sampled by an approved third party to determine compliance.
- E. Additional water quality parameters may be required depending on the location of the parcel, susceptibility to other contaminants, and future drinking water standards.

#### **Section 8.39.340 - Inspections**

- A. The Department may inspect the annular seal depth prior to sealing, at any time that the well is under construction, or before a well is destroyed.
- B. The Department may make a final inspection after completion of the well installation or construction to determine whether the well was completed in accordance with this chapter.
- C. A final inspection shall be scheduled with the Department with a minimum of forty-eight (48) hours advance notification.
- D. The Department may conduct inspections at such other times as it deems appropriate.

#### **Section 8.39.350 - Self-Certification for Seal Inspection**

- A. The Department allows for self-certification of well seals for construction, reconstruction, destruction and repair of water wells, cathodic protection wells, soil borings, monitoring wells, and geothermal heat exchange wells as a service to expedite project completion.

- B. Prior to being allowed to perform self-certification as a self-certified inspector, a person shall file a “Self-Certification Application” for the Department’s review and approval.
- C. When a permit application is filed for construction, reconstruction, destruction and repair of water wells, cathodic protection wells, soil borings, monitoring wells, and geothermal heat exchange wells, the approved self-certified inspector must be noted on the application, and the Department will determine if self-certified inspection is permitted on a case-by-case basis.
- D. The Department shall be notified at least forty-eight (48) hours prior to any sealing inspection that will be conducted by the self-certified inspector. If a Department inspector is not available for inspection, a well may only be sealed by a self-certified inspector that has been reviewed and approved by the Department. The well shall be sealed in accordance with the standards of this chapter and any other applicable permit conditions. No seal shall be poured until permission to proceed has been received from the Department by the scheduled seal time, unless other arrangements are made with and approved by the Department.
- E. A completed “Well Seal Record” shall be filed with the Department by the self-certified inspector within thirty (30) calendar days of well completion. The well permit will not be finalized if the “Well Seal Record” is not filed.

**Section 8.39.360 – Nuisance**

A violation of any provisions of this chapter is a public nuisance and may be enjoined or summarily abated in the manner provided by law.

**Section 8.39.370 - Right of Entry and Inspection**

The Department 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 the provisions of this chapter and any permit conditions. If such entry is refused, the Department shall have recourse to such remedies as are provided by law to secure entry.

**Section 8.39.380 – Penalty for Violation**

It shall be unlawful for any person, firm, corporation, association, or entity to violate any provisions of this chapter or to violate the provisions of any permit granted pursuant to this chapter. Any such violation is subject to the general penalties described in Chapter 1.24, and notification to the Department of Consumer Affairs Contractors State License Board if applicable. Payment of any penalty shall not relieve a person, firm, corporation, association, or entity from the responsibility for correcting the violation. A violation committed by Well Drillers that are Self-Certified with the Department is subject to revocation of their Self-Certified status.

### **Section 8.39.390 - Notice of Violation**

When the Department discovers or determines that: (i) a well has not been completed in accordance with a well permit or the plans and specifications relating thereto; (ii) a well has been constructed or destroyed without a required permit; (iii) an abandoned well has not been destroyed in accordance with this chapter; or (iv) a violation of this chapter has occurred, the Department may pursue the administrative enforcement procedures specified in Chapter 9.02 of this code, including but not limited to, the procedures for issuance of a notice to correct, recording a notice to correct, recording a notice of noncompliance, issuance of administrative citations, imposition of administrative fees, fines or penalties, issuance of a notice to abate, and recording a code enforcement lien.

### **Section 8.39.400 - Administrative Hearing**

A property owner may request an administrative hearing within ten (10) days of the date of the notice issued pursuant to the administrative enforcement procedures specified in Chapter 9.02. Failure to timely request an administrative hearing shall be deemed an admission of the violation and a failure to exhaust administrative remedies in any subsequent action to challenge the decision or action taken under this chapter.

### **Section 8.39.410 - Removal of Recorded Notice of Violation**

The Department shall submit to the County's Recorder-Clerk a removal of the notice recorded pursuant to Chapter 9.02 when: (i) after review, it is determined by the Department that no violation of this chapter exists; or (ii) all required and corrective work has been completed and approved by the Department.

### **Section 8.39.420 - Civil Enforcement**

Violations of this chapter 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 chapter may be made the subject of civil actions. Appropriate civil actions include, but are not limited to, injunctive relief and cost recovery.

### **Section 8.39.430 - Remedies Cumulative**

The remedies available to enforce this chapter are cumulative and in addition to any other remedies available under such ordinance, statute, or regulations for the protection of groundwater against pollution and contamination, and for the protection of public health.

### **Section 8.39.440 – Appeal for Permit Denial, Suspension, or Revocation**

- A. 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 Director, in writing, within ten (10) days after any such action. Such appeal shall specify the grounds upon which it is taken, and shall be accompanied by a filing fee. Such appeal for a hearing shall be set at the earliest

practicable time. Notice of the hearing date shall be provided to appellant at least five (5) days prior to the hearing. The Director, after the hearing, may reverse wholly or partially or modify the order or determination being appealed.

- B. Decisions made by the Director pursuant to this chapter may be appealed to the Board of Supervisors pursuant to Chapter 2.09 of this code.

### **Section 8.39.450 – Severability**

This chapter and the various parts thereof are hereby declared to be severable. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter irrespective of whether one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.

### **Section 8.39.460 – Administrative Variance**

Subject to approval by the State Department of Health Services, the Director may grant an administrative variance of the provisions of this chapter where documentary evidence establishes a modification of the standards provided herein will not endanger the general public health and safety, and strict compliance would be unreasonable in view of all the circumstances.

### **8.39.470 – Program Regulations**

The Director is authorized to establish regulations and procedures to effectuate and implement the requirements specified herein consistent with the purpose of this chapter.

This ordinance shall become effective thirty (30) days following the adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote of said Board:

**ATTEST**  
KIM DAWSON  
Clerk of the Board of Supervisors

Ayes:  
Noes:  
Absent:

By \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Sue Novasel  
Chair, Board of Supervisors

**APPROVED AS TO FORM**  
**DAVID LIVINGSTON**  
**COUNTY COUNSEL**

By: \_\_\_\_\_  
Janeth SanPedro  
Sr. Deputy County Counsel