

Chapter 13.12

WATER

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13.12.010 Purpose of provisions. The purpose of this chapter is to protect groundwater, watercourses, and surface water by regulating the construction, placement, reconstruction and remodeling of water wells, water supply sources, test holes, and existing watercourses within the town. (Ord. 496 §1(part), 1991).

13.12.020 Policy. A. The council finds that improperly constructed, operated or maintained water wells, watercourses, water supply sources can affect the public health adversely.

B. Consistent with the duty to safeguard the public health and welfare of the town, it is declared to be a policy of the town to require the location, construction and repair of water wells and other water systems to conform to California State Department of Water Resources Standards as noted in DWR Bulletin Numbers 74-81 and 74-90 and additional supplements and as required in California Water Code Section 13801. Additionally, all rules and regulations established by Marin County Code #2598 and contained in Section I, Chapter 7.28 (except Sections 7.28.020, 7.28.026, 7.28.027, 7.28.045 and 7.28.046) shall apply (except as modified herein), copies of which will be on file in the building department. (Ord. 496 §1(part), 1991).

13.12.030 Definitions. For the purposes of this chapter, the following terms shall be defined as follows:

A. "Approved water system" means a water system for domestic human consumption and/or domestic irrigation which has been inspected, approved and has a well permit issued by the town and the county of Marin, meeting the standards of Department of Water Resources Bulletin No. 74 and which meets the permit requirements by the town and complies with the physical, bacteriological and chemical standards established by the State Department of Public Health and the United States Environmental Protection Agency.

B. "Construction of water wells" means all acts necessary to obtain groundwater by wells, including the location and excavation of the well, and including the installation of pumps and pumping equipment.

C. "Groundwater" means that part of the subsurface water which is in the zone of saturation.

D. "Health hazards" means any conditions, devices or practices in the water supply system and its operation which create, or may create, a danger to the health and well-being of any person.

E. "Surface water" means water that is derived either from natural or manmade stream flow or impoundment above zone saturation.

F. "Water system" means any water source, treatment facility, storage facility, or distribution system.

G. "Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, extraction, or artificial recharge of groundwater.

H. "Adequate water" means the minimum amount of water supplied from a source or sources for domestic purposes for a proposed use or uses as established in the current "Rules and Regulations for Establishing, Minimum Domestic Water Supply Requirements pursuant to Chapter 7.28 of the Marin County Code.

I. All definitions contained in California Department of Water Resources Bulletin Numbers 74-81 and 74-90 and Chapter 7.28 of Section I of the Marin County Code apply. (Ord. 496 §1(part), 1991).

13.12.040 Design standards. The design and construction of domestic water systems shall be in accordance with the current Rules and Regulations for Establishing Minimum Domestic Water Supply Requirements Pursuant to the Ross Municipal Code; State Department of Water Resources Regulations contained in DWR Bulletin 74-81 and 74-90; and applicable regulations contained in County Code Chapter 7.28 and subsequent revisions. (Ord. 496 §1(part), 1991).

13.12.050 Permit--Required for construction or remodeling. No person shall construct or remodel a well without first submitting an application to, and receiving a permit from, the public works director. (Ord. 496 §1 (part), 1991).

13.12.060 Permit--Application requirements. All applications for approval shall be on a form prescribed by the public works director and the county health officer. (Ord. 496 §1(part), 1991).

13.12.070 Permit--Issuance conditions. A. If, after investigation, the public works director, determines that the proposed work is in accordance with the purpose of this chapter, is an approved water system and will not be injurious to the public health, safety or welfare, he or she shall approve the application and issue a well permit upon payment in the amount of one hundred ten dollars. Thereafter the applicant shall apply to the county for a drilling permit for construction of the well.

B. Local modifications to "Rules and Regulations Establishing Minimum Domestic Water System Requirements" pursuant to Chapter 7.28 of the Marin County Code and to DWR Bulletins 74-81 and 74-90:

1. Source yield for domestic water systems for one residence shall be those required for two residences.
2. Only one well shall be allowed for each residential property.
3. Holding tanks, pressure tanks (except those less than sixty inches high and thirty-six inches wide) and above ground pumps shall be considered structures within zoning regulations of the town. Tanks which are completely buried and which are partially buried with the top not more than three feet above existing grade shall not be considered structures.
4. All holding tanks, pressure tanks and pumps shall be adequately screened to reduce their visual impact.
5. All pressure tanks and pumps shall be adequately insulated to reduce their noise levels.
6. All well sources shall have minimum setbacks as specified below:
 - a. From property line, five feet;
 - b. From public or private sewer pipeline, fifty feet except from private sewer pipelines, twenty-five feet of approved watertight piping and joint materials;
 - c. From subsurface disposal field, one hundred feet;
 - d. From septic tank or other subsurface storage tanks (except water tanks), fifty feet;
 - e. From animal and fowl enclosure, one hundred feet.

A well may be installed closer than the minimum distance prescribed above if the director of public works or the health officer finds that strict compliance is impractical because of unusual conditions and if it is determined that special standards may be applied to the well construction so that no danger of contamination or pollution to the groundwater will result. Such special standards of construction shall be approved by the health officer or the director of public works and additional inspections may be required to assure compliance with such special standards.

7. All tank and pump installation shall comply with the Uniform Building Code, Uniform Plumbing Code, and the National Electric Code.

C. All lab testing for bacteriological, general mineral, inorganic chemicals, and general physical analysis shall be paid by the permit holder.

D. Any person applying for a well permit pursuant to this chapter shall agree in writing to indemnify and hold harmless the town, its employees, assigns and successors-in-interest from any and all claims, responsibility, liability, or obligations whatsoever arising out of the town's issuance of a well permit for the operation of a well upon any property located within the town. (Ord. 496 §1(part), 1991).

13.12.080 Permit--Data report—Filing and recordation. A copy of the permit issued by the county hereunder shall be filed with the Marin Municipal Water District, and a copy shall be recorded with the county recorder. Attached to the copies shall be the description of the property on which the well is located. The contractor shall file a well data report with the town building department at the completion of work on a form prescribed by the director of public works. (Ord. 496 §1(part), 1991).

13.12.090 Common water supply restrictions. All lots to be served by a common water supply shall be contiguous and the source shall be on one of them. (Ord. 496 §1(part), 1991).

13.12.100 Inspection. A. The public works director, or his or her designee, and the county health officer are authorized to inspect any water well, abandoned water well, water system or pump installation, and may, at reasonable times, enter upon and shall be given access to any premises for the purpose of such inspection.

B. Upon the basis of such inspection, if the public works director, or his or her designee, or the county health officer, finds that any laws have not been complied with, or that a health hazard exists, he or she shall disapprove the well, water system or pump installation. If disapproved, no such well, water system or pump installation shall thereafter be used until brought into compliance and any health hazard is eliminated. (Ord. 496 §1(part), 1991).

13.12.110 Well Permit issuance prohibited when. Nothing herewith shall be construed to allow the issuance of a well permit without full compliance with the provision of this chapter and other applicable provisions of this code. An approved water system, within the meaning of this chapter shall not constitute an adequate water supply to justify the issuance of a well permit. (Ord. 496 §1(part), 1991).

13.12.120 Enforcement--Notice of violation--Public works director authority.

A. Whenever the public works director has reasonable grounds for believing that there has been a violation of this chapter, applicable state laws or any other relevant law or code, he or she shall give written notice to the person or persons alleged to be in violation. Such notice shall identify the provisions of law alleged to be violated and the facts alleged to constitute such violation.

B. Such notice shall be served personally, or by firmly affixing a copy thereof by certified mail to the owner of record, lessee, agent or representative, or other person in charge of the premises. The notice may be accompanied by an order of the public works director requiring described remedial action, which, if taken within the time specified in such order, not to exceed thirty days. Such order shall become final unless a request for hearing, as provided in Section 13.12.130, is made within ten days from the date of service of such order. (Ord. 496 §1(part), 1991).

13.12.130 Appeal procedures--Town council authority. A. Person Entitled to Hearing. Any applicant or person aggrieved by any determination, decision, permit denial or issuance or similar action taken by the public works director under the provisions of this chapter may appeal the action to the town council.

B. Form Time for Filing. Appeals shall be addressed to the town council in writing, and shall state the basis of the appeal. Appeals shall be filed in the office of the town clerk within ten days after notification of the action or decision from which an appeal is taken.

C. Upon receipt of the appeal, the town council shall set a hearing time and date, and the appellant shall be given notice thereof at the address shown on the application. The action appealed may be affirmed, reversed, or modified by the town council, whose action shall be final. (Ord. 496 §1(part), 1991).

13.12.140 Violation--Penalty. Violations of this chapter may be punished and/or abated as provided in this code or by state law. (Ord. 496 §1(part), 1991).

13.12.150 Abatement of nuisance. In addition to the penalties provided in Section 13.12.140, any domestic water system or supply operated, or used in violation of any of the provisions of this section, or of this code or in accordance with any other provisions of applicable law is a public nuisance and may be abated in accordance with any other provision of applicable law. (Ord. 496 §1(part), 1991).

13.12.160 Notice to close wells. Whenever it appears to the satisfaction of the county health officer that any well, the water of which is used for domestic purposes, has become polluted or in any way rendered unsafe for domestic or drinking purposes, or has become otherwise prejudicial to health or dangerous to life, the health officer shall give to the owner or his agent, lessee, tenant or other person in charge of the well, written notice to close and to fill it within a time to be specified in the notice. If the notice is not complied with, the public works director of the town shall cause the well to be closed and filled up at the cost and expense of the owner. (Ord. 496 §1(part), 1991).

13.12.170 Pollution of water channels. It is hereby declared to be a nuisance, and it is unlawful for any person to dump, put or place in, or on, or allow to run into, or on, any public reservoir, or the bank, border or margin, or into any water pipe, aqueduct, canal, stream, water, watercourse, or waterway within the town, any animal, vegetable, or mineral substance, or to do, perform or commit any act or thing which will pollute the purity and wholesomeness of any water or watercourse. (Ord. 496 §1(part), 1991).