

## Chapter 13.16

### WATER WELLS

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#### **13.16.010 Purpose.**

The city council declares that the inhabitants of Ripon have an inalienable right to demand the protection of the groundwaters and that the city council has the responsibility to protect these waters for the enjoyment, health, safety and welfare of the people. The council further declares

that the citizens of Ripon have a primary interest in the location, construction, maintenance and destruction of water wells, cathodic protection wells, test wells and geophysical wells that directly affect the quality and potability of underground waters. (Ord. 222 § 1, 1973)

#### **13.16.020 Definitions. As used in this chapter:**

1. "Abandoned well" means any well whose original purpose and use has been permanently discontinued or which is in such a state of disrepair that it cannot be used for its original purpose.

2. "Agricultural well" means any water well used to supply water for irrigation, livestock operation or other agricultural purposes not including any uses of domestic water.

3. "Air conditioning wells" means wells constructed to return to the ground, in a closed system, well water which has been used as a coolant in air conditioning processes.

4. "Board of trustees" means the board of trustees of the San Joaquin local health district.

5. "Cathodic protection well" means any artificial excavation in excess of fifty feet deep constructed by any means 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).

6. "Contamination" means an impairment of the quality of the waters by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. "Contamination" includes any equivalent effect resulting from the disposal of water, whether *or* not waters of the city are affected.

7. "Destruction of well" means to restore as nearly as practicable those conditions which existed prior to the construction of the well.

8. "Disposal well" means a hole dug, bored or drilled into any known aquifers in which are deposited matters or substances, which, by reason of temperature or content, may be deleterious to groundwater.

9. "District health officer" means the health officer of the San Joaquin local health district or his authorized representative.

10. "Geophysical well" means a well used for testing or logging strata or to obtain data from the underground.

11. "Health district" means the San Joaquin local health district.

12. "Individual domestic water well" means any water well used to supply water for domestic needs of an individual residence or duplex.

13. "Industrial well" means any water well used to supply industry on an individual basis.

14. "Injection or recharge well" means any well constructed to introduce water into the underground as a means of replenishing groundwater basins.

15. "Person" means any natural person, individual, firm, partnership, company, corporation, association, joint venture, joint stock company, organization, club, company, business trust, lessee, agent, servant, officer, employee, unincorporated association or representative of same.

16. "Pollution" means an alteration of the quality of the waters by waste to a degree which unreasonably affects:

(a) the value of such water for beneficial uses; or

(b) facilities which serve such beneficial uses. "Pollution" may include contamination.

17. "Public domestic water supply well" means any water well used to supply domestic water to more than one individual parcel of property or any water supply which services any premises which contains a temporary or permanent resort, hotel, apartment house, triplex, motel, institution, labor camp, trailer park, gas station, cafe, school, subdivision or any commercial establishment.

18. "Pump contractor" means any person or company licensed by the state contractors license law, as provided in Division 3, Chapter 9, of the

Business and Professions Code, to install, service or repair a pump.

19. "Recharge well," see "injection well"

20. "Sanitary hazards" means inadequacies, actual or potential, which may permit the entrance of pollutants, contaminants, or pathogenic organisms into the water, thereby impairing the water quality or rendering it injurious to the public health.

21. Seal, Annular. "Annular seal" means the cement grout between the conductor casing or bore and the casing.

22. Seal, Sanitary. "Sanitary seal" means a grout, mastic or mechanical device used to make a watertight joint between the pump and casing or the concrete base.

23. Seal, Surface. "Surface seal" means a monolithically poured concrete platform constructed around the top the well casing on thoroughly compacted earth.

24. "Test well," see "geophysical well."

25. "Waters of the city" means any water, surface or underground, including saline waters, within the boundaries the city.

26. "Water quality" means the chemical, physical and biological characteristics of water in respect to its suitability for a particular purpose. The same water may be of good quality for one purpose or use, and bad or poor for another, depending upon its characteristics and the requirements for the particular use.

27. "Well" or "water well" means any artificial excavation constructed by any method for the purpose of extracting or recharging groundwater or testing or logging of stratum to obtain data from the underground. This definition shall not include:

a. Oil and gas wells, or geothermal wells constructed under jurisdiction the State Department of Conservation, except those wells converted to use water wells;

b. Wells used for the purpose of:

i. Dewatering excavation during construction,

or

ii. Stabilizing hillsides or earth embankments.

28. "Well contractor" means any person or company licensed by the State Contractors License Law, as provided in Division 3, Chapter 9, or the Business and Professions Code.

29. "Well pit" means an excavation in which the well head or top of well casing is installed below the ground surface. (Ord. 222 §, 1973)

### **13.16.030 Applicable territory.**

The provisions of this chapter shall apply to all territory lying within the City, except that all wells owned, operated or subsequently abandoned by the City and used for the provision of water to residents and/or property in the City shall be exempt from any of the provisions of this Chapter, including, but not limited to, any provisions thereof requiring permits from the Health District. However, nothing set forth in this chapter shall prevent such City wells from being subject to the jurisdiction of the State under any of the provisions of the Health and Safety Code of the State of California. (Ord. 751, §1, 2007)

### **13.16.04 Special requirement areas.**

In all areas of the city where poor quality water could infiltrate good quality groundwater due to well construction, special requirements may be set to protect the good quality water. No permits shall be issued to dig, drill, bore or repair any well serving a parcel of land which can be served from a public domestic water supply operated by the city, and such supply is available to the parcel from a waterline located in an adjacent street or right-of-way, without prior approval obtained from the city council. (Ord. 222 § 4, 1973)

### **13.16.050 Rules and regulations adopted.**

The board of trustees shall adopt, and may from time to time amend, rules and regulations, including, but not limited to, standards for implementation of this chapter. Such rules and regulations shall not be in conflict with this

chapter or with the laws of the state. The rules and regulations shall be adopted only after the board of trustees has considered the matter at a public hearing at which all interested persons have been afforded the opportunity to urge or oppose adoption of the proposed rules and regulations. In addition, the city council may adopt, and from time to time amend, any rules and regulations which it may be deemed *necessary* in connection with carrying out the purposes of this chapter. (Ord. 222 § 22, 1973)

### **13.16.060 Permit-Required.**

No person, as principal, servant, agent or employee, shall dig, drill, bore, drive, repair or destroy any well or shall repair, replace, install or seal a pump for use on any well, whether the well is to be used for domestic, irrigation, testing, geophysical or cathodic protection or other purposes, without having a valid unrevoked or unsuspended permit to do so from the district health officer. The permit shall be valid for one year from date of issue. No property owner shall be denied the right to install a well or pump on his property, if work is accomplished in accordance with this chapter. No permit is necessary to replace or repair equipment if the sanitary seal is not broken. A fee may be charged for issuing a permit as determined by the city council after a public hearing. (Ord. 222 § 5, 1973)

### **13.16.070 Application to district health officer.**

Every person proposing to dig, drill, bore, drive, repair, deepen or destroy any well shall, before commencing the work, first apply to the city and also apply to the district health officer for approval of the well site and method of installation or destruction, and for a permit to do the work. Such application shall be on forms furnished by the district health officer and contain such information as the district health officer may require. The application is to be submitted at least forty-eight hours prior to the proposed commencement of work on the permit application,

as prescribed in the rules and regulations adopted pursuant to this chapter. (Ord. 222 §, 1973)

**13.16.080 Permit-Compliance required.**

The applicant applying for a permit for the construction, repair or destruction of the well shall assume the responsibility of complying with all requirements of the permit and this chapter, including such rules and regulations as may be adopted pursuant to this chapter. (Ord. 222 § 7, 1973)

**13.16.090 Permit-Granting to license holders.**

Permits shall be granted to any owner or his authorized representative and to those persons having a valid city business license and a license from the State Contractor's License Board as a well or pump contractor. (Ord. 222 §, 1973)

**13.16.100 Emergency repairs.**

In the event of an emergency, as evidenced by lack of water, repairs may proceed without a permit. Emergency repairs include the construction of a new well, or the repair, deepening or replacement of a well or pump. All work done under emergency conditions shall comply with the rules and regulations adopted pursuant to this chapter. In all such cases, the owner or contractor must file a statement that this was an emergency repair and the reason for the repair. Application for emergency repairs must be made within forty-eight hours after such repairs are begun, excluding weekends and holidays. (Ord 222 § 9, 1973)

**13.16.110 Special permits.**

The district health officer may grant special permits for a limited period of time, when in his opinion, the application of this chapter or the rules and regulations adopted pursuant to this chapter would be impracticable or unnecessary. In issuing such special permits, the district health officer may prescribe such conditions as in his judgement will be necessary to protect the public health. (Ord. 222 § 10, 1973)

**13.16.120 Well driller's report.**

Upon completion of a well, the applicant or the licensed contractor shall file a copy of a well driller's report with the health district. These report forms will be furnished by the district health officer. (Ord. 222 § 11, 1973)

**13.16.130 Well pits.**

The construction, use or installation of well pits shall not be permitted except under unusual circumstances as determined by the district health officer. (Ord. 222 § 12, 1973)

**13.16.140 Sanitary seal.**

All wells shall have a sanitary seal. (Ord. 222 § 13, 1973)

**13.16.150 Concrete platform or slab required.**

All wells, except cathodic protection wells, shall have a concrete platform or slab constructed to prevent the entrance of surface water from any source into the well or the underground water source. (Ord. 222 § 14, 1973)

**13.16.160 Disinfection.**

After the construction or repair of individual domestic or public domestic water wells and prior to the use of the wells, the wells and all appurtenances thereto shall be adequately disinfected. (Ord. 222 § 15, 1973)

**13.16.170 Grout seal on individual or public domestic water supply wells.**

Public domestic water supply and individual domestic wells shall have a grout seal in the annular space. (Ord. 222 § 16, 1973)

**13.16.180 Health limitations.**

The district health officer may order changes in the location of water wells and in the methods, means and manner of constructing water wells in order that the same shall not constitute a menace to the health of human beings or animals, or a

detriment to groundwater sources. The orders of the district health officer shall designate the period within which such changes are to be made. (Ord. 222 § 17, 1973)

#### **13.16.190 Inspections.**

The well site, location, material and methods used may be inspected by the district health officer at any time prior or during construction or destruction of any well. The district health officer shall be informed when the work is completed and thereafter shall make a final inspection. (Ord. 222 § 18, 1973)

#### **13.16.200 Abandonment of wells.**

Upon determination that any well is abandoned as provided in the rules and regulations adopted pursuant to this chapter, the well must be destroyed in the manner prescribed so that entrance of degraded or contaminated water into usable aquifers, or creation of safety hazard, are minimized. (Ord 222 § 19, 1973)

#### **13.16.210 Destruction of wells.**

The district health officer is authorized, after reasonable efforts to eliminate pollution, contamination or a safety hazard, to enforce the permanent abandonment by destruction of any well that is polluted, contaminated or is so located as to become polluted or contaminated or is a safety hazard. The district health officer is authorized to destroy any such well and to recover the cost of the destruction from the owner of the property on which the well is located. (Ord. 222 § 20, 1973)

#### **13.16.220 Out-of-service wells.**

If the owner intends to cease use of a well for a period of six months or more, he shall inform the district health officer. Such a well shall be protected from any source of contamination while the well is temporarily out of service. The owner shall maintain such a well as required in the rules and regulations adopted pursuant to this chapter

pertaining to out-of service wells. (Ord. 222 § 21, 1973)

#### **13.16.230 Appeal-Board of trustees.**

Any person whose application for a permit, or for approval of a proposed action under this chapter, has been denied by the district health officer, may within thirty days after the date of such denial, appeal therefrom in writing to the board of trustees. Such appeal shall be heard by the board of trustees at its next regular meeting thereafter unless the appeal was filed within five days of such meeting, in which event, it shall be heard at the next regular meeting subsequent thereto. The board of trustees shall uphold or reverse the denial of the application or of the approval sought and shall make such orders in connection with the matter as may be necessary to protect and preserve the public health. (Ord. 222 § 23, 1973)

#### **13.16.240 Appeal – City council.**

If the appellant is dissatisfied with the decision of the board of trustees acting pursuant to Section 13.16.230, he may, within ten days after that decision, appeal to the city council. The appeal shall be in writing and filed with the city clerk. Thereafter, the city council shall set the applicant not less than five days prior to the hearing. At the hearing, any interested party may present oral or written evidence. Following the hearing, the city council shall render a decision on the appeal and may sustain, modify or reverse any action of the board of trustees. (Ord. 222 § 24, 1973)

#### **13.16.250 Enforcement.**

The city administrator and the district health officer shall enforce all needful orders, rules and regulations necessary or proper to accomplish the purposes of this chapter, and may perform all other acts necessary or proper to accomplish the purposes of this chapter. (Ord. 222 § 25, 1973)

**13.16.260 Violation-Penalty.**

Violation of this chapter shall constitute a misdemeanor, and shall be punishable as provided in Chapter 1.08 of this code. (Ord. 222 § 26,1973)