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DEPARTMENT OF
UTILITIES

OFFICE OF THE DIRECTOR

CITY OF SACRAMENTO
CALIFORNIA

5770 FREEPORT BLVD.
SUITE 100
SACRAMENTO, CA
95822-2911

June 13, 1994

PH 916-433-6607
FAX 916-433-6652

Law and Legislation Committee
of the City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: An Ordinance Amending Sacramento City Code Sections 47.11.110, 47.11.111
and 47.11.132(h), Relating to Water Wells

LOCATION AND COUNCIL DISTRICT

City-wide.

RECOMMENDATION

Staff recommends that the Committee approve and forward to the City Council for adoption the attached ordinance amending Sections 47.11.110, 47.11.111 and 47.11.132(h) of the Sacramento City Code, to incorporate the regulations adopted by Sacramento County for the installation and abandonment of water wells.

CONTACT PERSON Joe Robinson, Deputy City Attorney, 264-5346.

FOR COMMITTEE MEETING OF June 21, 1994

SUMMARY

Section 47.11.111 of the Sacramento City Code currently requires any person, firm or corporation installing or abandoning any well in the City to acquire a permit from the Sacramento County Environmental Management Department prior to doing so. Through this permit requirement, Sacramento County acts as the enforcement agency for the County's water well regulations in the City. Adoption of the attached ordinance is recommended in order to more clearly provide that the County's water well regulations, as amended by the County in 1992, apply to water wells installed or abandoned in the City.

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BACKGROUND INFORMATION

In 1990, the City Council revised the City's water well regulations set forth in Article VIII of Title 47 of the City Code, by repealing a number of specific requirements pertaining to the installation and abandonment of wells in the City, and requiring, instead, that any person, firm or corporation obtain a water well permit from the County Environmental Management Department prior to installing or abandoning any well.

In November of 1992, Sacramento County amended its water well regulations (Sacramento County Code Chapter 6.28) to conform to changes in State regulations and standards. The County currently imposes the requirements of these regulations and standards in the County and City through its permitting process. It is recommended that the City Council adopt the attached ordinance to bring the City Code into conformity with these regulations and standards by incorporating the County's water well regulations into Title 47 of the City Code. When the attached ordinance is taken to the City Council, staff also intends to recommend execution of an agreement with the County to formalize the County's current practice of acting as the enforcement agency for water wells in the City.

The attached ordinance does establish one exemption from the County permit requirement, for wells or pumps owned or operated by or on behalf of the City for domestic or industrial purposes or for irrigation. The City does not obtain permits from the County for such wells, because the City assumes responsibility for compliance of its own wells with applicable regulations and standards. The ordinance contains some additional changes, adding some categories of activities for which a permit is required, and deleting language pertaining to requirements which are already addressed in the County regulations. The amendment to Section 47.11.132(h) is a purely technical change.

FINANCIAL CONSIDERATIONS

Adoption of the attached ordinance does not impose any new or additional costs on the City because the County will continue to act as the enforcement agency for water well standards in both the County and the City.

POLICY CONSIDERATIONS

Adoption of the attached ordinance is consistent with current policy and practice, and will bring the City Code into conformity with County and State regulations and standards.

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MBE/WBE


No goods or services are being contracted.

Respectfully submitted,



JAMES G. SEQUEIRA
Director of Utilities

RECOMMENDATION APPROVED:



DAVID R. MARTINEZ
Deputy City Manager

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SACRAMENTO CITY CODE SECTIONS 47.11.110, 47.11.111 AND 47.11.132(h), RELATING TO WATER WELLS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Sections 47.11.110 and 47.11.111 of the Sacramento City Code are hereby amended to read as follows:

§ 47.11.110 ~~Repealed-~~ Sacramento County Water Well Regulations Apply within City Limits.

The provisions of Chapter 6.28 of the Sacramento County Code shall apply within the limits of the City of Sacramento, except as provided otherwise herein.

§ 47.11.111 ~~All County Regulations Pertaining to Construction and Abandonment of Water Wells Shall Apply Within the City Limits. Permit Required; Exception.~~

It shall be unlawful for any person, firm or corporation, whether as principal, servant, agent or employee, ~~intending to dig, drill, bore, drive, deepen, modify, repair, reconstruct, inactivate, destroy~~ or abandon any well, whether the well is used for domestic purposes, industrial purposes, irrigation, air conditioning, disposal, exploration, monitoring or cathodic protection, ~~and/or to install, or repair, or replace a pump or pumps,~~ without first having obtained a permit to do so from the Sacramento County Environmental Management Department; as provided in Section 6.28.030 of the Sacramento County Code; provided, however, that no such permit shall be required for any actions taken by or on behalf of the City of Sacramento with regard

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ORDINANCE NO.: _____

DATE ADOPTED: _____

~~to any well or pump that is owned or operated by or on behalf of the City for domestic or industrial purposes or for irrigation. In case of emergency affecting life, health, crops or livestock, a licensed contractor may start work immediately but shall notify the health department within seventy-two hours by telephone or in person of the work being done. Where removal of the pump or breaking of the sanitary seal is not necessary, a permit shall not be required.~~

SECTION 2.

Section 47.11.132(h) of the Sacramento City Code is hereby amended to read as follows:

* * *

(h) **Exemptions.** This ~~title~~ section shall not apply to monitoring or testing wells operated by the United States Government or a public agency.

1. This is an emergency ordinance within the meaning of section 32(g) of the Sacramento City Charter and shall take effect immediately. The facts constituting the emergency are that it is necessary to the program of the United States Government that no new wells be opened within the prohibition area and that all financial arrangements be concluded in the current federal fiscal year so that the funds will be available to monitor and clean the ground water and protect the public health.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

CITY CLERK

MAYOR

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

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ON DATE OF _____

AN ORDINANCE AMENDING SACRAMENTO CITY CODE SECTIONS 47.11.110, 47.11.111 AND 47.11.132(h), RELATING TO WATER WELLS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Sections 47.11.110 and 47.11.111 of the Sacramento City Code are hereby amended to read as follows:

§ 47.11.110 Sacramento County Water Well Regulations Apply within City Limits.

The provisions of Chapter 6.28 of the Sacramento County Code shall apply within the limits of the City of Sacramento, except as provided otherwise herein.

§ 47.11.111 Permit Required; Exception.

It shall be unlawful for any person, firm or corporation, whether as principal, servant, agent or employee, to dig, drill, bore, drive, deepen, modify, repair, reconstruct, inactivate, destroy or abandon any well, whether the well is used for domestic purposes, industrial purposes, irrigation, air conditioning, disposal, exploration, monitoring or cathodic protection, or to install, repair, or replace a pump or pumps, without first having obtained a permit to do so from the Sacramento County Environmental Management Department, as provided in Section 6.28.030 of the Sacramento County Code; provided, however, that no such permit shall be required for any actions taken by or on behalf of the City of Sacramento with regard to any well or pump that is owned or operated by or on behalf of the City for domestic or industrial purposes or for irrigation.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

SECTION 2.

Section 47.11.132(h) of the Sacramento City Code is hereby amended to read as follows:

* * *

(h) **Exemptions.** This section shall not apply to monitoring or testing wells operated by the United States Government or a public agency.

1. This is an emergency ordinance within the meaning of section 32(g) of the Sacramento City Charter and shall take effect immediately. The facts constituting the emergency are that it is necessary to the program of the United States Government that no new wells be opened within the prohibition area and that all financial arrangements be concluded in the current federal fiscal year so that the funds will be available to monitor and clean the ground water and protect the public health.

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