

BEFORE  
THE BOARD OF SUPERVISORS  
OF THE COUNTY OF MADERA  
STATE OF CALIFORNIA

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

AN ORDINANCE AMEND CHAPTERS 13.101 AND 13.28 TO REFLECT DEPARTMENT ASSIGNMENTS IN REGARDS TO THE INSTALLATION OF WATER METERS.

The Board of Supervisors of the County of Madera, State of California, ordains as follows:

**SECTION 1**

Chapter 13.101 of the Madera County Code is amended to read in its entirety as shown on Exhibit "A."

**SECTION 2**

Chapter 13.28 of the Madera County Code is amended to read in its entirety as shown on Exhibit "B."

\* \* \* \* \*

The foregoing Ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_  
2017, by the following vote.

Supervisor Frazier voted: \_\_\_\_\_  
Supervisor Rogers voted: \_\_\_\_\_  
Supervisor Poythress voted: \_\_\_\_\_  
Supervisor Rodriguez voted: \_\_\_\_\_  
Supervisor Wheeler voted: \_\_\_\_\_

\_\_\_\_\_  
Chairman, Board of Supervisors



ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

Approved as to Legal form:  
COUNTY COUNSEL

By *Douglas W. Nelson*  
Douglas W. Nelson  
Assistant County Counsel

Attachment: Exhibit Ordinance (3456 : Amend Madera County Ordinance, Title 13, Chapter 13.101 and Chapter 13.28)

# EXHIBIT "A"

EXHIBIT "A"

Chapter 13.101  
 INSTALLATION OF WATER FLOW METERS  
 AND WATER LEVEL METERS REGULATIONS<sup>1</sup>

Sections:

- 13.101.010 - Title and purpose.
- 13.101.020 - Definitions.
- 13.110.030 - Water flow meter and water level measuring device permit required.
- 13.101.040 - Exempt applications.
- 13.101.050 - Reporting requirements.
- 13.101.060 - Application for determination of exemption to the Environmental Health Deputy Director.
- 13.101.070 - Application for water flow meter and water level measuring device permit to the Environmental Health Deputy Director .
- 13.101.080 - Processing of water flow meter and water level measuring device permit applications through the Environmental Health Deputy Director.
- 13.101.090 - Appeals.

13.101.010 - Title and purpose. This chapter shall be known as the "Installation of Water Flow Meters and Water Level Meters Regulations." The purpose of this chapter is to mandate installation of water flow meters and water level measuring devices on all new water wells and replacement water wells in the unincorporated areas, and to establish other regulatory requirements in connection with these purposes to monitor and regulate the groundwater usage and levels to promote the health, safety and general welfare.

13.101.020 - Definitions.

A. Definitions. For the purpose of this chapter, the following definitions shall apply:

"Agricultural land development" means the development, new plantings, or other improvement of a property greater than one-quarter of an acre for the purposes of farming a crop, orchard, vineyard or other agricultural product.

"Agricultural land re-development" means the re-development or replanting of an existing crop, orchard, vineyard or other agricultural product of greater than one-quarter of an acre.

"Aquifer" means a geologic formation, underground layers of porous rock that are saturated from above or from structures sloping toward it, that stores, transmits and yields significant quantities of water to wells and springs. Aquifer capacity is determined by the porosity of the subsurface material and its area.

"Certified" means certified by a licensed vendor or otherwise reasonably accepted determination that based on calibrations that confirm accuracy of meter readings regarding water flow and water level. Standards to be set and published by Madera County Code Chapter 13.28 – Standards – Water Meters and Measuring Devices.

<sup>1</sup> **Editor's note**— Ord. No. 674A, § 2, adopted February 3, 2015, amended Chapter 13.101 in its entirety to read as herein set out. Former Chapter 13.101, §§ 13.101.010—13.101.090, pertained to similar material, and derived from Ord. No. 674, adopted February 2, 2015.

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"Conservation" means the conscious effort to prevent waste and minimize the consumption of groundwater by utilizing reasonable and economically justifiable methods to improve its delivery and use, thus increasing water supplies for optimum long-term benefits. When referring to landscaping or agricultural uses of groundwater this term includes water reuse, processes to reduce the amount of water irretrievably lost to moisture deficient soils, water surface evaporation, or evapotranspiration.

"Contiguous parcel" means parcels which abut, adjoin or otherwise touch each other at more than one point along a common boundary or which would do so except for separation by a strip of land over which some person or entity, other than the owner of the parcels, has some property interest, including fee title or some lesser interest, such as a leasehold or easement. Examples of such strips of land include but are not limited to roads, streets, utility easements, railroad rights-of-way, canals and drainage channels.

"Department" means the County Department of Planning, Building, and Environmental Health Division.

"Director" means the County Director of the Community and Economic Development Department (Planning, Building, and Environmental Health Division) or the designee of the director.

"Director of Water and Natural Resources" means the Director of Water and Natural Resources or the designee of the Director of Water and Natural Resources.

"Efficient use" means those management measures that result in the most effective use of water so as to prevent its waste or unreasonable use or unreasonable method of use.

"Environmental Health Deputy Director" means the Deputy Director of Environmental Health or the designee of the Deputy Director of Environmental Health.

"Groundwater" means all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water.

"Groundwater deficient area" means an area where the amount of groundwater is inadequate to meet particular demands at a particular time, as shown in Map 13-1 at the end of this chapter.

"Harvested water" means the collection and use of rainwater as a means to augment or replace other sources of water.

"Improvement" or "improve," as related to a well or water supply system, means the construction, re-construction, replacement, or addition to, any portion of a water supply and distribution system for the purposes of providing water for a new use or an additional use (unless specifically exempt under this chapter). "Minor improvement" means a modification to an existing water supply that involves simple repair or replacement of pipes, fittings, faucets, hoses, meters, components of irrigation systems, sinks, tubs, toilets, showers, washing machines.

"Overdraft" means the withdrawal of water from an aquifer in excess of the amount of water that recharges the basin over a period of years during which water supply conditions approximate the average, and which, if continued over time, could eventually cause the underground supply to be exhausted, cause subsidence, cause the water table to drop below economically feasible pumping lifts, cause a detrimental change in water quality, or produce other adverse environmental impacts.

"Parcel" means a legal lot of record.

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"Public water supply" means a water supply provided by a local agency, publicly owned corporation, approved utility company, mutual water supply system, privately owned water system, and / or community water system.

"Recharge" means replenishment of groundwater by flows to groundwater storage from precipitation, irrigation, infiltration from streams, a spreading basin or other sources of water.

"Recycled water" means the reclamation and reuse of wastewater or graywater for beneficial use.

"Site" means the location of a system to extract and distribute groundwater, such as a well and connecting plumbing which supplies water to a residence or other structure or use.

"Water flow meter" means an electronic or mechanical device designed to measure water flow, volume and quantities in gallons or any portion thereof by date and time [whether per minute, per hour, per day or other typical time period] regarding the water well to which it is connected and from which the particular water well draws groundwater.

"Water supply system" means any system including the water source the purpose of which is to extract and distribute groundwater.

"Water table" means the surface or level where groundwater is encountered in an unconfined aquifer.

"Water level measuring device" means an electronic or mechanical device either affixed to the well head in a semi-permanent or permanent fashion or a portable type, designed to electronically and or mechanically measure vertical water table levels regarding the water well to which it is connected and from which the particular water well draws groundwater.

"Water well motor" means the electrical or mechanical device that powers a "water well pump" whether or not as a single or separate unit, submerged or not.

"Water well replacement" or "replacement water well" is an additional or replacement water supply system for a pre-existing water supply system of one or more water wells.

"Water well pump" means the electrical or mechanical device that propels, draws or pumps water from the groundwater source into/up the water well by use of a "water well motor" or other device whether or not as a single or separate unit, submerged or not.

"Water well sounding" means an electrical or mechanical device, manual and/or licensed service utilizing an electrical or mechanical device to gauge/monitor or "read" and record groundwater static vertical level of the groundwater one hour or more after well pumping ceases at the water well site.

### 13.110.030 - Water flow meter and water level measuring device permit required.

A. No applications filed for development of a new water supply system or replacement water supply system of an existing water supply system within Madera County that may use groundwater as a water source shall be approved by any employee, department or body of Madera County unless it is specifically exempted by this chapter or unless a water flow meter and water level measuring device permit is obtained as required by this chapter. All such applications shall be submitted to the Environmental Health Deputy Director for review and determination regarding the water flow meter and the water level measuring device permit.

### 13.101.040 - Exemptions.

A. The applications for a water flow meter and water level measuring device permit must be obtained unless the application or development:

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1. Is for a project that will only rely on hard rock wells or a flowing artesian well or is located on a parcel included within foothills and mountainous areas depicted on the Madera County Valley Water Basin Map and is specifically exempted;

2. Is where the development or improvement, regardless of number of parcels served is able to connect to a public water supply.

B. In the case of only minor improvements to a water system.

C. The Environmental Health Deputy Director shall make all such determinations required by this chapter. (Ord. No. 674A, § 2, 2-3-15).

13.101.050 - Reporting requirements.

A. The permittee shall install a water flow meter and water level measuring device for each new water well and each replacement water well serving the parcel to measure groundwater usage and levels on the parcel. The configuration of the installation shall conform to a drawing prepared by the permittee and shall conform to a drawing prepared by the permittee and shall conform to the technical standards set forth by Madera County Code Chapter 13.28.

B. Between October 1 and October 30 of each year, the permittee shall read and record the reading for the water flow meter. This data shall be provided to the Water and Natural Resources Department yearly (by November 15). The permittee shall grant to the Director of Water and Natural Resources the right to access and verify the operation and readings of the meters and well water levels at any reasonable time during regular working hours.

C. Water Level Measurements. The permittee shall grant to the Director of Water and Natural Resources the right to access and verify the operation and readings of the meters and well water levels at any reasonable time during regular working hours.

13.101.060 - Request for determination of exemption to the Director. All request for exemption from a water flow meter and a water level measuring device permit shall be submitted to the Director for determination based on the provisions of this chapter.

13.101.070 - Application for water flow meter and water level measuring device permit to the Environmental Health Deputy Director. Each applicant shall be required to obtain a water flow meter and water level measuring device permit, unless an exemption from the Director has been approved. The applicant shall submit a water flow meter and water level measuring device permit application to the Environmental Health Deputy Director, using a form provided by the Environmental Health Division. That application shall:

A. Identify any present and future uses of any existing water supply system, including whether and to what extent groundwater is or will be used as a water source on the affected property;

B. Identify any water sources other than groundwater intended to be used;

C. If the proposed application is for the development of a new water supply system, replacement water well, or improvement to an existing water supply system, the applicant shall state the minimum information as entailed below:

1. the number of parcels
2. number of service connections, defined as...
3. intent and purpose of water services,
4. identify the location of the structures

D. Whether the intent is to transfer some or all of the groundwater extracted pursuant to the permit to a public agency for use by a public agency following issuance of the water flow meter and water level measuring device permit;

13.101.080 - Processing of water flow meter and water level measuring device permit applications through the Environmental Health Deputy Director. The following procedures and standards shall govern the review and disposition of permit applications for a water flow meter and water level measuring device:

A. The Environmental Health Deputy Director shall review an applicant's water flow meter and water level measuring device submitted under this chapter for compliance with the requirements of this chapter and any other applicable provisions of law in determining the type of water flow meter and the type of water level measuring device.

B. If the Environmental Health Deputy Director determines after review that the applicant's water flow meter and water level measuring device satisfies the groundwater permitting requirements of this chapter, and any other applicable provisions of law, the Environmental Health Deputy Director shall issue a water flow meter and water level measuring device permit and impose any reasonable condition consistent with the provisions of this chapter. If the Environmental Health Deputy Director determines the application and water flow meter and water level measuring device does not meet the permitting requirements of this chapter, or any other applicable provisions of law, the Environmental Health Deputy Director shall issue a decision denying the water flow meter and water level measuring device permit and setting forth the reasons therefore.

13.101.090 - Appeals.

A. Appeals. Any person may appeal to the Board of Supervisors a final decision of the Environmental Health Deputy Director made, following a request in writing submitted within ten days from the date of the decision of the Environmental Health Deputy Director for hearing in accordance with the procedures set forth in this chapter. Such written appeal shall contain all factual information supported by a registered civil engineer's report when technical and engineering questions are involved.

B. Hearings on Appeal. At the hearing, all relevant and material evidence regarding the matter shall be considered.

C. Decisions. The Board of Supervisors may affirm, reverse, or modify the determination of the Environmental Health Deputy Director, but such decision shall be in writing, and shall specify the reasons for its decision and contain specific directives to the administrative staff for the carrying out of such decision.

13.101.100 - Enforcement - Violation.

A. Criminal Penalties. Any person, firm or corporation, whether acting as principal, agent, employer or otherwise, who violates any provision of this chapter, or the terms and/or conditions of any permit issued pursuant to this chapter, shall be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars per violation, or imprisonment not exceeding six months, or both such fine and imprisonment. Any person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted.

B. Alternative Remedies. Madera County may elect additionally, or alternatively, to proceed with a civil action, including, but not limited to, seeking injunctive relief, rather than, or in addition to criminal actions as described in subsection A of this section. Any person, firm or corporation, whether acting as principal, agent, employer or otherwise, who willfully violates any



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provision of this chapter, or the terms and/or conditions of any permit issued pursuant to this chapter, shall be liable for a civil penalty not to exceed one thousand dollars for each day or portion thereof (as per Title 8, Section 8.01.050 (E)), that the violation continues to exist. Any person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued, or unpermitted. In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken (and timing of such corrective action), or lack thereof, by the violator. Nothing in this section shall be construed to limit the ability of the County to pursue administrative remedies under Title 8 of the Madera County Code.

# EXHIBIT "B"

EXHIBIT "B"

Chapter 13.28  
STANDARDS—WATER METERS AND MEASURING DEVICES

Section:

13.28.010 - Water flow meters.

13.28.020 - Water level measuring devices.

13.28.010 - Water flow meters.

A. Meter Types. Water flow meters shall be capable of measuring water flow, volume, and quantities used for recording and reporting as required under Section 13.101.050 of Madera County Code. Water meters shall be one of the following, or approved alternative, as dictated by the well discharge pipe size:

5/8 -inch to 1-inch pipes (residential):

Sensus iPerl™ Electromagnetic Flow Measurement System

1½-inch to 2-inch pipes (residential):

Sensus OMNI™ R<sup>2</sup> Meter

1½-inch and larger pipes (industrial/commercial):

Sensus OMNI™ T<sup>2</sup> or OMNI™ C<sup>2</sup> Meter

1½-inch and larger pipes (agricultural):

Sensus Mainline Propeller Meter fitted with a tamper proof register

All proposed alternates to those listed above must comply with NSF/ANSI Standard 60/ 61 specifications.

B. Meter Installation. The water flow meter must be installed on the primary well discharge pipe, prior to any filtering or treatment systems, tanks, service connections, or discharge outlets. Installation shall comply with the manufacturer's recommended installation guidelines.

C. Calibration and Accuracy. The certification of calibration and accuracy must be made available to the Director of Water and Natural Resources upon request. (Ord. No. 674B, § 2, 2-3-15).

13.28.020. - Water level measuring devices.

A. Water Level Measuring Devices. Water level measuring devices shall be either a semi-permanent meter affixed to the well head or temporary/portable type device capable of providing readings for recording and reporting as required under Section 13.101.050 of Madera County Code.

Semi-Permanent Meter:

Semi-permanent water level meters shall be NSF/ANSI Standard 60/61.

Temporary/Portable Device:

Temporary/portable devices shall be capable of obtaining measurements of well water levels through the well sounding tube or port/tap hole using either of the following methods:

Electric Sounding Tape Method  
Sonic Water Level Meter Method  
Pressure Transducer Method

B. Measuring Device Installation. Semi-permanent water level measuring device installation shall comply with the manufacturer's recommended installation guidelines. Temporary/portable water level measuring devices shall be operated and used in accordance with manufacturer's instructions.

C. Calibration and Accuracy. The certification must be made available to the Director of Water and Natural Resources upon request.