

ORDINANCE NO. 3.2

AN ORDINANCE REQUIRING INSTALLATION AND USE OF METERING EQUIPMENT FOR GROUNDWATER EXTRACTION FACILITIES

Adopted January 24, 2001

The Board of Directors of the Fox Canyon Groundwater Management Agency, State of California, hereby repeals Ordinance No. 3.1 and ordains as follows:

ARTICLE 1. General

Section 1. Title

This ordinance shall be known as the "Metering Ordinance" of the Fox Canyon Groundwater Management Agency.

Section 2. Definitions

As used in the ordinance, the following terms shall have the meanings stated below:

- A. **"Agency"** means the Fox Canyon Groundwater Management Agency.
- B. **"Extraction"** means the act of obtaining groundwater by pumping or other controlled means.
- C. **"Extraction facility"** means any device or method (e.g. water well) for extraction of groundwater within a groundwater basin or aquifer
- D. **"Groundwater"** means water beneath the surface of the earth within a zone in which the soil is sufficiently saturated with water to allow collection and extraction.
- E. **"Inactive Well"** - An inactive well is a well that is used for less than twelve hours annually and conforms to the County of Ventura Ordinance Code requirements for an active well or a well having a Ventura County Certificate of Exemption. In either case, the well is being held in an idle status in case of future need. The purpose of defining an inactive well is to eliminate the requirement for a meter for wells that are not in use. However, any amount of water pumped by an inactive well shall be reported using an alternate means of metering as provided in Article 2, Section 2 below.
- F. **"Metering Equipment"** or **"Meters"** means a manufactured instrument for accurately measuring and recording the flow of water in a pipeline.
- G. **"Non-exempt well operators"** means all well operators except those operating extraction facilities supplying a single family dwelling on one acre or less, with no income producing operations and those operators granted an exemption by the Board of Directors.

- H. **"Operator"** means a person who operates a groundwater extraction facility. In the event the Agency is unable to determine who operates a particular extraction facility, then "operator" shall mean the person to whom the extraction facility is assessed by the County Assessor, or, if not separately assessed, the person who owns the land upon which the extraction facility is located.
- I. **"Person"** includes any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, any federal agency.

ARTICLE 2. Installation and Use of Metering Equipment

Section 1. Installation Requirement

Operators of extraction facilities shall install metering equipment on each well that extracts groundwater. Meters are not required on inactive wells as defined in this ordinance, nor are meters required for extraction facilities supplying a single family dwelling on one acre or less, with no income producing operations.

Section 2. Back-up Metering Equipment

Water meters occasionally fail, losing periods of record before the disabled or inaccurate meter is either replaced or repaired. Well operators shall be prepared to provide another acceptable method of computing pumpage during these periods of meter failure to avoid the loss of record on wells that require metering under this ordinance.

Two acceptable back-up methods for metering consist of using an hour meter and records on pumping rates or use of power company records provided a recent pump efficiency test exists. It is the operator's responsibility to maintain the meter.

If special circumstances exist where neither of these back-up procedures can be used or are impractical to use, the operator shall request Agency Coordinator's approval of another alternative back-up procedure.

Section 3. Meter Readings

Functional meters shall be read and the readings reported semi-annually on the extraction statements required under Ordinance 1.1, Article 2, Section 3, as amended.

ARTICLE 3. Implementation

Section 1. Metering information

The Agency will obtain current information from meter manufacturers, distributors, or installers on meter specifications, availability and cost and will make this information available to well owners and operators on request.

Section 2. Notification of Metering Equipment Requirement

Operators will be notified in writing of the metering equipment requirement following adoption of this ordinance by the Agency's Board of Directors.

Section 3. Installation of Metering Equipment

Non-exempt well operators will be required to install metering equipment on said wells by July 1, 1994.

Section 4. Inspection of Metering Equipment

The Agency may inspect metering equipment installations for compliance with this ordinance at any reasonable time.

ARTICLE 4. Altering Metering Equipment

Any person who alters, removes, resets, adjusts, manipulates, obstructs or in any manner interferes or tampers with or procures or causes or directs any person to alter, remove, reset, adjust, manipulate, obstruct or in any manner interfere or tamper with any metering equipment affixed to any groundwater extraction facility required by this act, so as to cause said metering equipment to improperly or inaccurately measure and record said groundwater extraction is guilty of an intentional violation of this ordinance as described in Article 5.

ARTICLE 5. Appeals

Any operator aggrieved by a decision or determination made by the Agency Coordinator may appeal to the Board within thirty (30) calendar days thereof by filing with the Agency Coordinator a written request that the Board review the decision of the Agency Coordinator. The Board shall act on the appeal within 120 days after the filing.

ARTICLE 6. Penalties

Any operator or person who intentionally violates any provision of this ordinance shall be guilty of an infraction and may be required to pay a fine to the Agency not to exceed five hundred dollars (\$500).

Any operator or person who negligently or intentionally violates any provision of this ordinance may also be liable civilly to the Agency for a sum not to exceed one thousand dollars (\$1,000) per day for each day of such violation, in addition to any other penalties that may be prescribed by law.

Upon the failure of any operator or person to comply with any provision of this ordinance, the Agency may petition the Superior Court for a temporary restraining order, preliminary or permanent injunction, or such other equitable relief as may be appropriate. The right to petition for injunctive relief is an additional right to those which may be provided elsewhere in this ordinance or otherwise allowed by law.

The Agency may petition the Superior Court of the County to recover any sums due the Agency.

ARTICLE 7. Effective Date

Section 1. Effective Date

This ordinance shall become effective on the thirty-first day after adoption.

ADOPTED this 24th day of January, 2001 by the following vote:

AYES: Lynn Maulhardt, Sam McIntyre and Mike Conroy

NOES: None

ABSENT: Charlotte Craven and John Flynn



Lynn Maulhardt, Chair - Board of Directors
Fox Canyon Groundwater Management Agency

ATTEST: Karen Schoonover
Karen Schoonover, Clerk of the Board