

## **ORDINANCE NO. 1.3**

### **AN ORDINANCE REQUIRING REGISTRATION OF GROUNDWATER EXTRACTION FACILITIES, WATER EXTRACTION REPORTING AND LEVYING GROUNDWATER EXTRACTION CHARGES**

Adopted December 11, 1996

The Board of Directors of the Fox Canyon Groundwater Management Agency, State of California, hereby repeals Ordinance Nos. 1.2 and 3 and does ordain as follows:

#### **ARTICLE 1. General**

##### **Section 1. Title**

This ordinance shall be known as the "Well Registration, Reporting and Extraction Charge 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 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. **"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.
- F. **"Person"** includes any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, and any federal agency.

#### **ARTICLE 2. Registration of Groundwater Extraction Facilities, Methods of Computing Extractions and the Recordation of Extractions**

##### **Section 1. Registration**

All groundwater extraction facilities within the boundaries of the Agency shall be registered with the Agency within 30 days of notice given to the operator.

The operator of an extraction facility shall register his extraction facility and provide the following information on a form provided by the Agency:

- A. Name and address of the operator.
- B. Name and address of the owner of the land upon which the extraction facility is located.
- C. A description of the equipment associated with the extraction facility.
- D. Location of the water extraction facility.

## **Section 2. Methods of Computing Extractions**

The method of computing extractions shall be as specified by Ordinance 3, as amended.

## **Section 3. Reporting Extractions**

The operator of a registered extraction facility shall file a groundwater extraction statement semi-annually with the Agency. Extraction statements shall cover the periods from January 1 to June 30 and from July 1 to December 31. Statements are due thirty (30) days following the end of each reporting period. Statements shall contain the following information on forms to be provided by the Agency:

- A. The information required under Section 1.
- B. The method of measuring or computing groundwater extractions.
- C. The crop types or other uses and the acreage served by the extraction facility.
- D. Total extraction of each extraction facility in acre-feet for the preceding six (6) month period.

# **ARTICLE 3. Charges**

## **Section 1. Groundwater Extraction Charges**

All persons operating groundwater extraction facilities shall pay a groundwater extraction charge for all groundwater extracted after July 1, 1993, in the amount as established by Resolution of the Board. Payments are due semi-annually, and shall accompany the statement required pursuant to Article 2, Section 3.

Payments not received or postmarked by thirty days after the end of each reporting period shall be charged interest in the amount of 1 1/2 percent per month, or part of month that the charge remains unpaid. Charges for pumping that are less than \$50.00 must be reported, but will not accrue interest and will be deferred until the billing accumulates to \$50.00. When the \$50.00 minimum has been reached, the surcharge will be billed and interest will start to accrue when the bill is due and payable.

## **ARTICLE 4. Penalties**

### **Section 1. 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 of 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 5. Effective Date**

### **Section 1. Effective Date**

This ordinance shall become effective on the 31<sup>st</sup> day after adoption.

**ADOPTED this 11<sup>th</sup> day of December, 1996, by the following vote:**

AYES: Directors Lynn Maulhardt, Dean Maulhardt, John Flynn and Sam McIntyre

NOES: None

ABSENT: Director Michael Conroy

  
Chair, Board of Directors  
Fox Canyon Groundwater Management Agency

**ATTEST:**

By: 

Clerk of the Board