

## Chapter 4.68 WELLS\*

### 4.68.010 Intent.

It is the purpose of this chapter to provide for the construction, conversion, inactivation, or destruction of water wells, geothermal heat exchange wells, and cathodic protection wells so that the groundwater of this County shall not be polluted or contaminated and that water obtained from such wells shall be adequate and suitable for the purpose for which used and will not jeopardize the health, safety or welfare of the people of this County.

(Ord. 4023, 01/30/01)

### 4.68.020 Definitions.

The following definitions govern the construction of this chapter:

- (a) "Abandoned well" means any of the following:
  - (1) Water supply well which has not been used for a period of one calendar year and has not been permitted as an inactive well by the County Health Officer.
  - (2) A monitoring or contamination extraction well which has not been used for a period of three calendar years and has not been permitted as an inactive well by the County Health Officer.
  - (3) A well which is in such a state of disrepair that it cannot be made operational for its intended purpose.
  - (4) A test hole or exploratory boring 24 hours after construction and testing work has been completed.
  - (5) A cathodic protection well that is no longer functional for its original purpose.
- (b) "Agricultural well" or "stock well" means any well used solely to supply water for irrigation or other agricultural purposes.
- (c) "Cathodic protection well" means any well designed or used to protect pipelines, tanks, cables, power lines and other facilities from corrosion.
- (d) "County Health Officer" means the Environmental Health Director of San Mateo County or an authorized representative. The County Health Officer or his or her designee shall have the authority and responsibility for the enforcement of this chapter.
- (e) "Domestic water supply" means a system consisting of a well, storage tank(s), reservoirs, integrated piping or other related appurtenances used for the purposes of delivering potable water intended for human consumption. Except as otherwise provided by this chapter, this term shall include any water well, agricultural well, industrial well or other type of well which is used to provide potable water for human consumption.
- (f) "Dwelling unit" means a room or suite of two (2) or more rooms, which are designed for, intended for, or are occupied by one family doing its cooking therein and having only one kitchen.
- (g) "Exploratory well" means a test production well installed for the purpose of assessing well water quantity and quality.

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- (h) "Inactive well" means a well that has been properly secured, protected, and maintained in an inactive condition in accordance with state requirements, for a period not to exceed five years.
  - (i) "Geothermal heat exchange well" means any artificial excavation by any method for the purpose of using the heat exchange capacity of the earth for heating and/or cooling and in which the ambient ground temperature is 86 degrees Fahrenheit or less and which uses a closed loop fluid system to prevent the discharge or escape of its fluid into the surrounding aquifers or geologic formations. Geothermal heat exchange wells are also known as ground source heat pump wells. Such wells or boreholes are not intended to produce water or steam.
  - (j) "Midcoast" means that portion of unincorporated area in the Coastal Zone on the urban side of the midcoast urban-rural boundary as shown in the County General Plan and those lands designated as Rural Residential Areas by the Local Coastal Program (LCP) Policies 1.13-1.15.
  - (k) "Nonresidential water use" means a potable water supply which serves the public in a commercial setting that is not subject to surface water contamination.
  - (l) "Observation and monitoring well" means any artificial excavation by any method for the purpose of obtaining groundwater, vadose zone, or other subsurface data, including groundwater levels, groundwater quality, and soil vapor quality. Monitoring wells shall conform with applicable California Department of Water Resources, U.S. Environmental Protection Agency, State Department of Toxic Substance Control, or the Regional Water Quality Control Board standards and guidelines for the construction of monitoring wells.
  - (m) "Person" means any individual, organization, partnership, business, association, corporation or governmental agency.
  - (n) "Potable water" means water that complies with standards for transient noncommunity water systems pursuant to the California Safe Drinking Water Act (Chapter 4, commencing with section 116275 of part 12).
  - (o) "Property line" means the legally established line separating one piece of property from another or separating a public-right-of-way from private properties.
  - (p) "Sewer" means a pipe carrying wastewater from any structure or a part of a community or individual sewerage system.
  - (q) "Spring" means a place where groundwater flows naturally from rock or soil onto the land surface and is not subject to surface water contamination.
  - (r) "Stabilized water level during pumping" means that level of water in the well which remains constant after a period of pumping at the specified rate in gallons per minute provided under section 4.68.190 of this chapter. The required period of time for such pumping may vary at the discretion of the Health Officer depending upon the geological factors and groundwater recharge of the site. The minimum test period for individual domestic wells shall be four hours after the water level is stabilized.
  - (s) "Well" or "water well" means any artificial excavation by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall include agricultural wells and monitoring and observation wells. This definition shall not include: (1) oil and gas wells, or geothermal wells constructed pursuant to state law except those wells converted to use as water wells; or (2) wells used for the purpose of (A) Dewatering excavations during construction; or (B) stabilizing hillsides or embankments.

(Ord. 4023, 01/30/01; Ord. 4128, 08/20/02)

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#### **4.68.030 General standards.**

No Person shall construct, reconstruct, repair, destroy, inactivate, convert, operate or use a water well, geothermal heat exchange or cathodic protection well except as provided by this chapter.

(Ord. 4023, 01/30/01)

#### **4.68.040 Well-driller.**

Any construction, reconstruction, repair, destruction or conversion of a water well, geothermal heat exchange or cathodic protection well shall be undertaken by a well-driller who possesses a C-57 Water Well Contractor's License as provided by state licensing law.

(Ord. 4023, 01/30/01)

#### **4.68.050 Mitigation of disturbance at well site.**

- (a) Any disturbance at a well site for the purposes of construction, reconstruction, repair, destruction or conversion of a water well, geothermal heat exchange or cathodic protection well shall be limited to the minimum amount of disturbance necessary to gain access to drill the well and shall be in compliance with any other pertinent laws or regulations, including but not limited to grading Permit requirements, coastal development regulations, and roadway encroachment permits. Drilling fluids and other drilling materials produced or used in connection with well construction, destruction, or conversion shall not be allowed to discharge onto or into streets, waterways, sensitive habitats, or storm drains. Drilling fluids discharged onto an adjacent property requires the written permission of the property owner. Drilling fluids shall be properly managed and disposed of in accordance with applicable local, regional, and state requirements. Upon completion of the construction, destruction or conversion of the well, the site shall be restored as near as possible to its original condition, and appropriate erosion control measures shall be implemented. Site restoration is the responsibility of the property owner and must be implemented within 60 days of the completion of the well, and not more than a year from the date of the Permit issuance. In the event a water well should, at the time of drilling, prove to have an inadequate water supply or quality for its intended use, it shall be closed in accordance with requirements of the County Health Officer and the site shall be returned as near as possible to its original condition. In the event a water well is tested for certification for a building permit, any water generated by pumping during the test shall be disbursed or disposed of in a manner which will not cause excessive erosion.
- (b) In addition to the requirements above, the well site, including any excavations and drainage pits, shall at the time of drilling be secured or maintained in such a manner as to prevent injury or damage to Persons and animals.
- (c) Wells constructed during a period where winterization requirements are in effect, between October 15 and April 15, shall comply with County grading and stormwater pollution prevention measures.
- (d) Mud pits shall not be installed in the drip zone of any tree.

(Ord. 4023, 01/30/01)

#### **4.68.060 State regulations.**

Nothing contained in this chapter shall be deemed to release any Person from compliance with the provisions of state law, including but not limited to any reporting requirements under the California Water Code.

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(Ord. 4023, 01/30/01)

#### **4.68.070 Fees.**

Permit fees shall be charged for each Permit to cover the cost of inspection and enforcement pursuant to this chapter, in an amount to be set by resolution of the Board of Supervisors.

(Ord. 4023, 01/30/01)

#### **4.68.080 Permit for the construction, destruction, inactivation, repair or conversion of a water well, geothermal heat exchange well or cathodic protection well.**

No Person shall dig, bore, deepen, re-perforate, excavate, construct, reconstruct, inactivate, convert, destroy or repair any water well, geothermal heat exchange well or cathodic protection well, without first having applied for and obtained a Permit for such activity from the County Health Officer pursuant to the provisions of this chapter. A Permit granted pursuant to this chapter is valid only for the proposed activity listed on the Permit application and solely for the site specified therein. A Permit granted pursuant to this section does not authorize the use or operation of the well as a water supply intended for human consumption as provided by Sections 4.68.180 through 4.68.280 of this chapter.

(Ord. 4023, 01/30/01)

#### **4.68.090 Placement of Permit on job site.**

A Permit issued pursuant to this chapter shall be kept available for inspection at the well site during the course of and until completion of the construction, reconstruction, repair, destruction, inactivation or conversion of the well, and until the site has been restored as per Section 4.68.050 of this chapter.

(Ord. 4023, 01/30/01)

#### **4.68.100 Standards for the construction, destruction, inactivation or conversion of water well, cathodic protection well or geothermal heat exchange well.**

All water wells, geothermal heat exchange wells, and cathodic protection wells shall be constructed, reconstructed, repaired, destroyed, inactivated or converted in accordance with the standards set by this chapter and by state law, including those regulations and standards issued by the California Department of Water Resources.

(Ord. 4023, 01/30/01)

#### **4.68.110 Water well slabs.**

All water wells shall be provided with a watertight reinforced concrete slab of a minimum thickness of six (6) inches which shall extend horizontally at least two (2) feet from the well casing in all directions. The concrete slab shall be adequately sloped to drain water away from the well casing. The top surface of the slab at its outer edge shall be at least four (4) inches above the surrounding ground level.

(Ord. 4023, 01/30/01; Ord. 4052, 07/24/01)

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#### **4.68.120 Water well sanitization.**

All water wells shall be provided with a pipe or other effective means of directly introducing chlorine or other disinfecting agents into the well.

(Ord. 4023, 01/30/01)

#### **4.68.130 Exclusion of contamination.**

All water wells shall be designed and constructed to exclude contamination as follows:

- (a) All sanitization pipes for an above surface pump discharge shall extend to height equal to the pump pedestal that is at least eight inches above the finished grade. The pipe shall be kept sealed by a threaded or equivalently secure cap.
- (b) All sanitization pipes for a subsurface pump discharge installation shall be kept sealed by a threaded or equivalently secure cap.
- (c) All air relief vents shall terminate downward and be screened and protected against the possibility of contaminating material entering the vent.
- (d) All entry pipes into gravel packed sections of a well shall be tightly capped.

(Ord. 4023, 01/30/01)

#### **4.68.140 Location of water well.**

In order to protect the water source and public health and safety, all water wells shall be set back from possible sources of pollution and contamination. The minimum setbacks, measured horizontally from the well, shall be:

From another well	50 feet
From any septic tank	100 feet
From a septic tank leachfield	100 feet
From a seepage pit	150 feet
From a sewer line or lateral	50 feet
From a property line (sewered area)	5 feet
From a property line (unsewered area)	50 feet
From an exterior wall of a building's foundation	5 feet
From a boundary line of any easement dedicated to or reserved for sanitary sewers or wastewater facilities as shown on a map approved by a sanitary district and placed on file by that district with the County Environmental Health Division.	50 feet

(Ord. 4023, 01/30/01; Ord. 4052, 07/24/01)

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#### **4.68.150 Protection of community system.**

In the event a well is used on a property served by a public water system, there shall be installed between the dwelling unit or structure being served water and the meter box or distribution system a backflow prevention device approved jointly by the County Health Officer and the Water Superintendent of the Public Water System.

(Ord. 4023, 01/30/01)

#### **4.68.160 Log of new water well.**

Any Person to whom the County Health Officer has issued a Permit to construct, repair, reconstruct, inactivate, convert or destroy a well shall, within sixty (60) days of the completion of the drilling, diggings, boring or excavating authorized by such permit, furnish the County Health Officer with a log of such well. The log shall include, but is not limited to, information on the type of casing, the number and location of the perforations therein, the depth of the well and soil types encountered during drilling of the well, as well as any other data requested by the County Health Officer. Any Person who has earlier submitted a log for the well to the State of California may satisfy this provision by submission of that same log to the County Health Officer.

(Ord. 4023, 01/30/01)

#### **4.68.170 Expiration of Permit for the construction, destruction, inactivation or conversion of a well.**

A Permit issued pursuant to Section 4.68.080 for the construction, reconstruction, inactivation, destruction or conversion of a water well cathodic protection well or geothermal heat exchange well shall expire and become null and void if the work authorized has not been completed within one calendar year following the issuance of the permit. Upon expiration of such permit, no further work may be done in connection with the construction, reconstruction, repair, destruction, inactivation or conversion of a well unless and until a new Permit for that purpose is secured in accordance with the provisions of this chapter.

(Ord. 4023, 01/30/01)

#### **4.68.180 Certification for building permit.**

Upon the completion of the construction or conversion of a well in compliance with the provisions of this chapter, the County Health Officer shall, upon request, certify the well as a domestic water supply for one to four dwelling units or for industrial or commercial use for the purpose of obtaining a building Permit to construct a new structure or for the enlargement of an existing structure if the well provides a water supply that is potable, adequate and delivered under a minimum pressure of twenty (20) pounds per square inch during periods of maximum demand. The potable water sample shall be drawn from the pump at the conclusion of the pump test required by Section 4.68.190, and shall be transported to a state of California certified laboratory under chain-of-custody. Within the Midcoast water treatment will not be considered in order to be certified if either the State Upper Secondary Maximum Contaminant Level for specific conductance or chloride are exceeded. A certification issued pursuant to this section shall be valid only for the purposes of obtaining a building Permit and is not and shall not be deemed a Permit to use or operate a well as a domestic water supply as may be required by Sections 4.68.210 through 4.68.280.

(Ord. 4023, 01/30/01; Ord. 4128, 08/20/02)

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#### **4.68.190 Standards for adequate water.**

For the purposes of this chapter, "adequate water" means:

- (1) For a vertical well serving a single family dwelling, said term shall mean a well, which produces a minimum of 2.5 gallons per minute for four consecutive hours with at least 1,250 gallons of emergency storage.
- (2) For a vertical well serving a single family dwelling with the second unit less than 750 square feet, said term shall mean a well which produces a minimum of 3 gallons per minute for four consecutive hours with at least 1,500 gallons of emergency storage.
- (3) For a vertical well serving two to four dwelling units, said term shall mean a well which produces at a minimum at a stabilized water level during pumping:
  - (A) Five gallons per minute for four consecutive hours with 2,500 gallons of emergency storage for two dwelling units.
  - (B) 7.5 gallons per minute for four consecutive hours with 3,750 gallons of emergency storage for three dwelling units.
  - (C) Ten gallons per minute for four consecutive hours with 5,000 gallons of emergency storage for four dwelling units.
- (4) For all vertical wells in the Midcoast, said term shall also mean a well in which the water level within the well casing recovers to 80%, or greater, of the hydrostatic level, as determined by a California Registered Geologist, immediately following the completion of the pumping test. Recovery time shall be equal to the time taken to perform the pumping test, but not less than four hours.
- (5) For a horizontal well or spring serving a single family dwelling, said term shall mean a well or spring that produces a minimum flow of 2.5 gallons per minute with minimum storage of 1,250 gallons after 30 days of observation or if done in the dry period, August 1 through November 30, 1.5 gallons per minute for a thirty-day observation period and 2,000 gallons of storage.
- (6) In the Midcoast, all pumping tests shall be performed by, or under the supervision of, a California Registered Geologist or Registered Civil Engineer, and certified by signature of the same.
- (7) For nonresidential uses, such term shall mean an amount of water determined by the County Health Officer in accordance with the Uniform Plumbing Code and water quality standards issued by the California Department of Health Services.

(Ord. 4023, 01/30/01; Ord. 4128, 08/20/02)

#### **4.68.200 Backflow prevention device requirement for water wells used for agricultural chemical applications.**

Agricultural well irrigation systems including those used for golf courses which employ chemical feeders or injection systems shall be equipped with a backflow prevention device approved by the County Health Officer.

(Ord. 4023, 01/30/01)

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#### **4.68.210 Permit for the use or operation of a well as a domestic water supply.**

No Person shall use or operate a well as a domestic water supply without applying for and obtaining a Permit for such activity from the County Health Officer in accordance with the provisions of this chapter.

(Ord. 4023, 01/30/01)

#### **4.68.220 Application to existing wells.**

The requirements of this chapter shall be applicable to all new wells used or operated as a domestic water supply. The requirements of this chapter shall not be applicable to wells existing on April 14, 1987, except as provided by Section 4.68.230.

(Ord. 4023, 01/30/01)

#### **4.68.225 Application to wells in the Westside Basin Aquifer.**

Before issuing any Permit under Section 4.68.080 for the construction of a large well, as defined below, that proposes to draw water from the Westside Basin Aquifer, the County Health Officer may consider whether the granting of the Permit would result in special circumstances which may present a threat of harm to the health, safety or welfare of Persons or the environment. If the County Health Officer determines that special circumstances exist which present a threat of harm to the health, safety or welfare of Persons or the environment, the County Health Officer may deny such Permit or grant such Permit with conditions designed to eliminate such threats. "Special circumstances," for purposes of this section, shall include, but not be limited to:

- (a) A well in an area that is subject to a specific and localized groundwater problem; or
- (b) A well which presents a potential of overdraft of an aquifer.

Notwithstanding Section 4.68.320 ("Variances"), the County Health Officer may authorize alternative specifications in granting a Permit with conditions under this chapter where he finds that such alternative specifications or means provide protection to the well equivalent to that provided otherwise under the requirements of the chapter.

The County Health Officer may take necessary action, including the denial, revocation or suspension of a well Permit for a large well that proposes to draw water from the Westside Basin Aquifer in order to avoid pollution or contamination of water resources and to protect the public health and safety.

For purposes of this section, a "large well" means any individual well that pumps an amount equal to or greater than 50 gallons per minute or 1,000 gallons per day, or multiple small wells on the same land use parcel which cumulatively pump an amount equal to or greater than 50 gallons per minute or 1,000 gallons per day. This includes wells used for public parks, cemeteries and golf courses. It excludes wells for residential use, temporary construction, cathodic protection, geophysical exploration/monitoring wells, and wells required in an emergency situation for drinking water purposes. An "emergency" means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. The "Westside Basin Aquifer" means the aquifer occurring in the area south of the San Mateo/San Francisco border, east of the San Andreas Fault and north of Burlingame/San Mateo City borders as defined by maps on file with County Environmental Health Division.

(Ord. 4145, 11/12/02)



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#### **4.68.230 Application to existing wells located in the unincorporated area of the County lying north of Highway 92 and west of Highway 280.**

The requirements of this chapter shall be applicable to all wells used or operated as a domestic water supply which are existing at the time of the adoption of the ordinance codified in this chapter, and are located in the unincorporated area of the County lying north of Highway 92 and west of Highway 280.

(Ord. 4023, 01/30/01)

#### **4.68.240 General standards for the operation or use of a water well as a domestic water supply.**

Any well used or operated as a domestic water supply shall meet all standards of construction under section 4.68.100 of this chapter and shall provide water that is potable, adequate, and delivered under a consistent minimum pressure of twenty (20) pounds per square inch during periods of maximum demand and shall not be operated or used in any manner that would, in the opinion of the County Health Officer, threaten or harm the public health or safety. The term "adequate" shall be defined in section 4.68.190 of this chapter.

(Ord. 4023, 01/30/01)

#### **4.68.250 Monitoring standard.**

Any well used or operated as a domestic water supply shall have a meter installed on the well to record the volume of water used. A record of such water usage shall be submitted by the permittee to the County Health Officer annually unless otherwise requested by the County Health Officer.

(Ord. 4023, 01/30/01)

#### **4.68.260 Testing requirements.**

Any well used or operated as a domestic water supply shall be tested for water quality at the expense of the permittee upon the request of the County Health Officer. Results of these tests shall be provided to the County Health Officer.

(Ord. 4023, 01/30/01)

#### **4.68.270 Duration of Permit to operate water well as a domestic water supply.**

A Permit issued pursuant to this chapter for the use or operation of a water well as a domestic water supply shall not expire and shall remain valid provided that the operation or use of the well is in compliance with the standards under this chapter and state law. The permittee shall, however, pay an annual fee to the County Health Officer for reimbursement of the costs of inspection and administration of this chapter. The amount of this annual fee shall be set by resolution of the Board of Supervisors.

(Ord. 4023, 01/30/01)

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#### **4.68.280 Right of inspection.**

As a condition for the issuance of a Permit under this chapter, the permittee shall allow the County Health Officer or an authorized representative to enter the property where the well is located, upon reasonable notice to the permittee, property owner and/or occupant, between the hours of 8 a.m. and 6 p.m., unless otherwise agreed by the parties, to investigate, examine and test the well and well site.

(Ord. 4023, 01/30/01)

#### **4.68.290 Application for Permit or certificate.**

Any Person applying for a well Permit or certificate pursuant to the provisions of this chapter shall complete an application form provided by the County Health Officer and furnish whatever information the County Health Officer deems necessary regarding the proposed construction, reconstruction, repair, destruction, inactivation, certification or operation of that well.

(Ord. 4023, 01/30/01)

#### **4.68.300 Fees.**

Each application for a Permit or certificate provided under this chapter shall be accompanied by a nonrefundable filing fee. The amount of such fee shall be set by resolution of the Board of Supervisors.

(Ord. 4023, 01/30/01)

#### **4.68.310 Issuance of permit.**

A Permit or certificate provided under this chapter shall be issued by the County Health Officer within fifteen (15) working days after receipt of an appropriate and complete application and payment of the required filing fee if the proposed construction, reconstruction, repair, destruction, conversion, use, inactivation, operation or certification of the well complies with the requirements of this chapter.

(Ord. 4023, 01/30/01; Ord. 4052, 07/24/01)

#### **4.68.320 Variances.**

A variance from the specific terms of this chapter may be granted by the County Health Officer when, due to special conditions or exceptional circumstances of the property, its location or surroundings, a literal enforcement of this chapter would result in unnecessary hardships. A variance cannot be approved if it would be contrary to the intent of this chapter or harm public health, safety or welfare. Applications for a variance shall be made in writing and filed with the County Health Officer with the request for a Permit or certificate provided by this chapter. No variance shall be granted from the application of Sections 4.68.180 and 4.68.190 to domestic wells located in the Midcoast.

(Ord. 4023, 01/30/01; Ord. 4052, 07/24/01; Ord. 4128, 08/20/02))

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#### **4.68.330 Suspension or revocation of a permit.**

- (a) In the event any Person holding a Permit for the construction, reconstruction, repair, destruction, inactivation, conversion or operation of a well pursuant to this chapter violates the terms of the permit, this chapter or state law, the County Health Officer shall revoke or suspend such Permit in accordance with the procedures set forth below:
- (b) Except as provided in subsection (c) of this section, no Permit issued under the provisions of this chapter shall be revoked or suspended until a hearing is held by the County Health Officer. Written notice of the hearing and intent to revoke or suspend the Permit shall be served upon the permittee as provided in subsection (d) below.
- (c) The County Health Officer may revoke or suspend a Permit issued under this chapter before a hearing is held on the matter if, in the opinion of the County Health Officer, the continued activity or use results in a violation of applicable state or local standards relating to the establishment or operation of wells, or results in a public nuisance.
- (d) Written notice under this section shall state the grounds for the revocation or suspension in clear and concise language, and the date, time, and place for the hearing. Such notice shall be served by registered mail or personal service on the permittee at least ten (10) days prior to the date set for the hearing.

(Ord. 4023, 1/30/01; Ord. 4052, 07/24/01)

#### **4.68.340 Hearing and determination.**

At the hearing provided under section 4.68.330, the permittee or an authorized representative shall be given an opportunity to be heard and present evidence. Upon conclusion of such hearing, the County Health Officer shall determine whether or not the Permit shall be suspended or revoked. The decision of the County Health Officer shall be made in writing within thirty (30) days after the hearing and shall provide the reasons for the decision. The written declaration shall be served by registered mail or personal service upon the permittee.

(Ord. 4023, 01/30/01; Ord. 4052, 07/24/01)

#### **4.68.350 Appeals to Board of Supervisors.**

Any aggrieved party may appeal the decision of the County Health Officer resulting from the hearing provided in section 4.68.330 to the Board of Supervisors by filing a notice of appeal with the County Health Officer on a form provided by that office. The notice of appeal must be filed within ten (10) working days from the date of the issuance of the County Health Officer's decision. Within thirty (30) days of a timely filing of a notice of appeal, the County Health Officer shall transmit the notice together with its minutes and all other records in the matter to the Board of Supervisors. Upon receiving a notice of appeal, record and supporting documents from the County Health Officer, the Board of Supervisors shall set the matter for public hearing. At such hearing, the Board of Supervisors shall have all the powers of the County Health Officer under the provisions of this chapter. In deciding an appeal, the Board of Supervisors shall not hear or consider any evidence of any kind other than the evidence contained in the record received from the County Health Officer, nor any argument on the merits of the case other than that contained in the notice of appeal, unless it sets the matter for a hearing de novo before itself and gives the same notice of hearing that is required for hearings before the County Health Officer under section 4.68.330. The decision of the Board of Supervisors upon an appeal is final and conclusive in the matter.

(Ord. 4023, 01/30/01)

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#### **4.68.360 Violations.**

Any violation of this chapter shall be a misdemeanor and shall be punishable as provided by the San Mateo County Ordinance Code.

(Ord. 4023, 01/30/01)

#### **4.68.370 Findings of public nuisance.**

Notwithstanding any other action or penalty provided by law, any violation of this chapter shall be deemed a public nuisance, and the County Health Officer may commence action or proceedings for the abatement, removal and/or enjoinder thereof in any manner provided by law.

(Ord. 4023, 01/30/01)

#### **4.68.390 Wells installed without permit.**

Upon determining that a well has been installed without the required Permit or permits, the County Health Officer may issue a cease and desist order by certified mail, return receipt requested, to the owner of the property where the well is located, requiring the owner to immediately cease use of the well and to obtain such permits as are necessary to destroy the well or legalize its use.

(Ord. 4023, 01/30/01)

#### **4.68.400 Policies, regulations and procedures.**

The County Health Officer shall adopt policies, regulations and procedures consistent with this chapter, as appropriate, to implement the provisions of this chapter.

(Ord. 4023, 01/30/01)

#### **4.68.410 Abandoned wells.**

It is unlawful to maintain an abandoned well. Any Person owning property upon which an abandoned well is located shall obtain a Permit to destroy or inactivate the well.

(Ord. 4023, 01/30/01)

#### **4.68.420 Severability.**

If any section, subsection, paragraph, sentence clause or phrase of this chapter is for reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, it shall not affect the remaining portions of this chapter, including any other section, subsection, sentence, clause or phrase therein.

(Ord. 4023, 01/30/01)