

ORDINANCE NO. 2

AN ORDINANCE OF THE OJAI BASIN GROUNDWATER MANAGEMENT AGENCY REQUIRING NOTIFICATION OF AN INTENT TO CONSTRUCT AN EXTRACTION FACILITY.

WHEREAS, Article 8, § 802 of the Agency's Authorizing Act provides that the operator of a registered extraction facility shall be required to provide information to the Agency as requested from time to time; and

WHEREAS, the Agency has adopted an ordinance requiring the registration of all wells within the boundaries of the Agency; and

WHEREAS, Article 7, of the Agency's Authorizing Act provides the Agency with the authority to impose reasonable conditions and regulations on the use of extraction facilities; and

WHEREAS, the Agency must be adequately informed about the existence of new extraction facilities within the Agency to carry out its groundwater management responsibilities, and

WHEREAS, the County of Ventura presently permits the construction and operation of extraction facilities as a ministerial matter; and

WHEREAS, the Agency desires to avoid the burden of unnecessary permitting in its regulation of extraction facilities; and

WHEREAS, an Ordinance is required to carry out this legislative purpose;

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE OJAI BASIN GROUNDWATER MANAGEMENT AGENCY AS FOLLOWS:

Section 1. Short Title.

This Ordinance No. 2 shall be known and cited as "the Extraction Facility Notification Ordinance."

Section 2. Policy and Purpose.

The Agency is charged with the legal responsibility for managing groundwater within the boundaries of the Agency. Information concerning the extraction, use and distribution of water is necessary to the Agency's fulfillment of its legislative function of managing groundwater resources.

Section 3. Definitions.

All terms, phrases and words shall have the meaning assigned to such terms, phrases and words as commonly understood or as expressly defined in the Agency's Authorizing Act or as defined herein.

a. "Basin" shall mean the Ojai Groundwater Basin as shown in the Department of Water Resources Bulletin No. 12, "Ventura County Investigation," dated October 1953, to the extent included within the boundaries of the Agency, as defined in § 201 of the Agency's Authorizing Act.

b. "County" means the County of Ventura.

c. "Construction" means the building of an extraction facility such as the act of drilling a well

d. "Extraction" shall mean the act of obtaining groundwater by pumping or other controlled means.

e. "Extraction facility" shall mean any device or method for the extraction of groundwater within the basin, including a well.

f. "Operator" shall mean a person who operates a groundwater extraction facility. If 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.

g. "Person" shall mean any person, state or local governmental agency, private corporation, firm, partnership, individual, group of individuals or, to the extent authorized by law, any federal agency.

Section 4. Extraction Facility Permit.

a. No operator shall construct an extraction facility within the boundaries of the Agency without first having provided a copy of a County well permit to the Agency.

b. An operator shall be entitled to construct an extraction facility within the Agency as a matter of right upon demonstrating compliance with all County requirements for the

construction and operation of a water well and providing a copy of the County well permit to the Agency.

c. The presentation of an approved County well permit, in a form and manner customarily issued by the County, to the Agency at the Agency office located at City Hall, 401 South Ventura Street, Ojai, California 93023 shall be deemed compliance with County requirements for the purposes of this Ordinance.

d. An operator may begin construction of the extraction facility 3 calendar days following the Agency's receipt of a County well permit from the operator.

Section 5. Termination Date.

This Ordinance will remain in full force and effect until repealed by action of the Board of Directors for the Agency.

Section 6. Violation.

a. Any person who intentionally violates this Ordinance is guilty of an infraction and may be required to pay a fine not to exceed \$500.

b. Any person who intentionally or negligently violates this Ordinance may be liable to the Agency civilly for a sum not to exceed \$1,000 per day.

Section 7. Enforcement.

The Agency may take any actions authorized by law, to enforce the terms and provisions of this Ordinance.

Section 8. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance and its implementing rules and regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares and determines that it would have passed this Ordinance and its implementing rules and regulations, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be determined to be unconstitutional or invalid.

Section 9. Exemption.

Any extraction facility in existence on the date this Ordinance shall become effective shall be exempt from the requirements of this Ordinance. However, in the event a modification of an existing extraction facility is undertaken by any operator and that operator is required under applicable County Ordinances to obtain a new County well permit, the operator shall also be obligated to provide a copy of the County well permit to the Agency in accordance with the terms of this Ordinance.

Section 10. Effective Date.

This Ordinance was adopted on December 16, 1993, to be effective thirty-one (31) calendar days after its passage. Before the expiration of fifteen (15) calendar days after its passage, this Ordinance shall be published once, with the names of the members of the Board of Directors for the Agency voting for it and against it, in a newspaper of general circulation published in the County of Ventura, State of California.

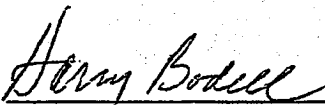
PASSED AND ADOPTED by the Board of Directors of the Agency, State of California, by the following vote:

AYES: Roger Essick, Conner Everts, Robert N. McKinney,
Scott S. Slater
NOES: None
ABSTAIN: None
ABSENT: Charles Noren

ATTEST:



Roger Essick
President



Harry Bodell
Administrative Staff Assistant

3738S

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WHEREAS, the Agency desires to avoid the burden of unnecessary permitting in its regulation of extraction facilities; and

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BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE OJAI BASIN GROUNDWATER MANAGEMENT AGENCY AS FOLLOWS:

Section 1. Short Title. This Ordinance No. 3 shall be known and cited as the "Extraction Facility Notification Ordinance."

Section 2. Policy and Purpose.

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PASSED AND ADOPTED by the Board of Directors of the Agency, State of California, by the following vote:

AYES: Roger Essick, Conner Everts, Robert N. McKinney, Scott S. Slater

NOES: None

ABSTAIN: None

ABSENT: Charles Noren

ATTEST:

/s/Roger Essick

President

/s/Harry Bodell

Administrative Staff

Assistant

3738S

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