

ORDINANCE NO. 99-0-2327

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
ADOPTING A GROUNDWATER MANAGEMENT PLAN FOR  
THE HOLLYWOOD GROUNDWATER BASIN, ADOPTING  
REGULATIONS TO IMPLEMENT SUCH PLAN AND  
AMENDING THE BEVERLY HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY  
ORDAINS AS FOLLOWS:

Section 1. A large portion of water used in the City of Beverly Hills is obtained from underground sources and such water is subject to impairment in quality and purity, causing detriment to the health, safety and welfare of the inhabitants of the City.

Section 2. The City currently provides a healthful, inexpensive potable water supply to all lands within the City's retail water service area. This water supply is a valuable commodity, which the City appropriates and dedicates to beneficial and efficient public use by the City and its inhabitants.

Section 3. The City has a primary interest in the location, construction, maintenance, abandonment and destruction of water wells, which directly affect the quantity, quality and purity of underground waters.

Section 4. Improperly constructed and abandoned water wells can allow contaminated water on the surface to flow down the well casing, and can allow unusable or low quality groundwater from one groundwater level to flow along the well casing to other usable groundwater levels, thereby contaminating the usable groundwater.

Section 5. The proliferation of water wells within the boundaries of the City poses a danger of contaminating the groundwater resource upon which the City relies. In addition, the proliferation of water wells within City boundaries can limit the flexibility of the City's water system by creating artificial constraints or a fluctuating water table and increasing the rate at which available community water supplies are depleted.

Section 6. The City must regulate, manage, conserve, protect and preserve its water supply in such a manner as to ensure a continued adequate supply of water suitable for use by its inhabitants and to protect the health, safety and welfare of its inhabitants.

Section 7. Following notice duly given in accordance with law, the City Council has held a full and fair public hearing regarding the adoption of a groundwater management plan.

The City Council considered all oral and written statements, protests and communications made or filed by interested persons. Written protests to the adoption of the plan have been filed and not withdrawn representing property owners owning less than fifty percent of the assessed value of the land within the City subject to groundwater management pursuant to the plan. All oral and written protests and objections are hereby overruled by the City Council.

Section 8. The City Council hereby adopts the "Groundwater Management Plan for the Hollywood Groundwater Basin in Los Angeles County (City of Beverly Hills)," attached hereto as Exhibit A and incorporated herein by this reference.

Section 9. Title 9 of the Beverly Hills Municipal Code is hereby renamed "Building and Property Health and Safety Regulations."

Section 10. Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the Beverly Hills Municipal Code is hereby renamed "Water Regulations").

Section 11. Article 6 is hereby added to Chapter 4 (Water Regulations) of Title 9 (Building and Property Health and Safety Regulations) of the Beverly Hills Municipal Code to read as follows:

**"Article 6. Water Supply**

**Sec. 9-4.601 Title and Purpose**

This Article shall be known and cited as the Water Supply Ordinance of the City of Beverly Hills. The City Council of the City of Beverly Hills hereby enacts this Article in order to regulate, manage, conserve, protect and preserve the City's water supply in such a manner that the City's water supply, including but not limited to the groundwater resources within the jurisdiction of the City, will remain a viable resource and be put to the most efficient and beneficial use by the City and its inhabitants, while also safeguarding the health, safety and welfare of the inhabitants of the City.

**Sec. 9-4.602 Definitions**

Unless the context otherwise requires, the following definitions shall govern the construction of this Article:

(a) "Active well" shall mean a water well that is routinely operated and supplies greater than or equal to five percent (5%) of the water supply requirement of the property upon which it is located.

(b) "Basin" shall mean the Hollywood Groundwater Basin.

(c) "Contamination" shall have the meaning set forth in California Water Code Section 13050.

(d) "Emergency" shall mean one of the following circumstances:

(1) An imminent threat of or actual contamination or pollution of the groundwater of the City; or

(2) Jeopardy to the health or safety of the inhabitants of the City; or

(3) An immediate threat of substantial loss of personal or real property within the City.

(e) "Export" shall mean the extraction of groundwater from land overlying the Basin within the Plan Area for use on land outside the Plan Area.

(f) "Extraction" shall mean the act of obtaining groundwater by pumping or by some other controlled means.

(g) "Groundwater" shall mean all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water which flows in known and definite channels.

(h) "Inactive well" shall mean a well that is not routinely operating but capable of being made operable with a minimum effort.

(i) "Modification" or "repair" shall only mean the deepening of an existing well, or reperforation, sealing or replacement of an existing well casing.

(j) "Person" shall include a governmental entity, unless that entity is exempt from the application of this Article pursuant to state or federal law.

(k) "Plan Area" shall mean those lands within the incorporated boundaries of the City of Beverly Hills as well as those lands within the City's retail water service area, as it may exist from time to time.

(l) "Pollution" shall have the meaning set forth in California Water Code Section 13050.

(m) "Re-entry of a well" shall mean the process of cleaning out by drilling, jetting, or any other method an abandoned or inactive well.

(n) "Well" or "water well" shall mean any artificial excavation constructed by any method for the purpose of

extracting water from the ground. "Well" or "water well" shall not include:

(1) Oil and gas wells, or geothermal wells constructed under the jurisdiction of the California State Department of Conservation, except those wells converted to use as water wells; or

(2) Wells used for the purpose of dewatering excavation during construction; or

(3) Wells used for the purpose of stabilizing hillsides or earth embankments.

(o) Words not otherwise defined in this Chapter shall have the meaning ascribed to them in California Department of Water Resources Bulletin Nos. 74-81 and 74-90, as each may be amended.

**Sec. 9-4.603 Multiple Water Supply**

(a) Prohibited without Permit. No person owning, leasing, occupying, or having charge or possession of any premises in the City shall supply the premises with potable water received from the City and concurrently supply the premises with potable water received from a water well located on the premises or a water well located on any other premises located within the boundaries of the City, unless:

(1) on the effective date of this Article, the premises is receiving potable water from the City and concurrently receiving potable water from an active well located on the property; or

(2) the person has obtained prior approval from the City by applying for and obtaining a Multiple Water Supply Permit, in accordance with this Article.

(b) Permit Procedures. The Director of Public Works may issue Multiple Water Supply Permits in accordance with Municipal Code Section 4-1.101 et seq.

(c) Permit Application. In addition to any other information required by Municipal Code Section 4-1.102 and any other information the Director of Public Works may deem necessary in order to determine whether a Multiple Water Supply Permit should be issued, an application for a Multiple Water Supply Permit shall include all of the following information:

(1) The applicant's name and address;

(2) The location of the property to which concurrent water supply is sought, including the street address and assessor's parcel number(s);

(3) A description of the legal interest the applicant has in the property (i.e., owner, lessee, renter) and the name and address of the owner of the property if the applicant is not the owner; and

(4) A detailed description of the water supply sources, other than the City, from which the property will be supplied. Such description shall include:

(A) The name and address of the person supplying the water, and the legal description of the property from which the water is supplied;

(B) A plot plan (scale 1/4 inch equals 20 feet) indicating the location of the supply source and detailing the delivery and piping system providing for receipt of the water to the property;

(C) A statement from the person supplying the water describing the legal basis of their water rights and authority to deliver water from their source off the respective property;

(D) The uses to which all water supplied to the property will be put; and

(E) A detailed description of the need for concurrent water supplies to the property, including the reasons why water service from the City alone is inadequate to meet the water requirements of the applicant.

(d) Standards for Permit Issuance. The Director of Public Works may issue a Multiple Water Supply Permit if the Director finds that the Applicant has satisfied the general criteria of Municipal Code Section 4-1.103.

(e) Revocation or Suspension of Permit. The Director of Public Works may revoke or suspend a Multiple Water Supply Permit in accordance with Municipal Code Section 4-1.107 et seq. Upon notification by the City that a Multiple Water Supply Permit is suspended or revoked, the City may terminate City water service to the property, if the premises continues to receive water supplied from a water well located on the property or a water well located on any other property located within the boundaries of the City.

**Sec. 9-4.604 Wells**

(a) Registration of Wells. Any person operating a well within the City shall register the well within 90 days of the effective date of this Section on a form to be provided by the Department of Public Works. The registration shall contain, but shall not be limited to, the following information:

- (1) The name and address of the operator;
- (2) The address of the property upon which the well is located;
- (3) The approximate location of the well on the property; and
- (4) The purpose of groundwater use.

(b) Metering of Wells. No person shall operate a well within the City unless the well is equipped with a waterflow measuring device or meter, or unless the City Council has expressly exempted the well from this requirement.

(c) Annual Extraction Statements. Any person operating a well within the City shall file with the Department of Public Works, on a form to be provided by the Department of Public Works, an annual extraction statement. The statement shall be signed by the operator under penalty of perjury and shall summarize the amount of percolating groundwater extracted by the operator within the preceding water year or an alternatively designated annual reporting period. The statement shall contain, but shall not be limited to, the following information:

- (1) Total extraction in acre-feet of water from the well;
- (2) The types of use and the acreage served by the well compared to the number of acres owned, leased or controlled by the operator; and
- (3) The method of measuring or computing groundwater extractions.

(d) Permit Required for Installation, Modification or Destruction of Wells. No person shall drill, install or construct a well; inactivate a well; modify or repair an existing, inactive or abandoned well; re-enter an abandoned or inactive well; or destroy an existing, inactive or abandoned well within the boundaries of the City, unless:

- (1) The person has obtained prior approval from the City by applying for and obtaining a Well Permit in accordance with this Article for the specific work to be performed; or
- (2) The well is supplying water to land within the City on the effective date of this Section, provided that the well is used for the same purpose as on the effective date of this Section, and provided that the well is maintained, operated, and used in accordance with the standards and provisions of this Article.

(e) Permit Procedures. The Director of Public Works may issue Well Permits in accordance with Municipal Code Section 4-1.101 et seq.

(f) Permit Application. In addition to any other information required by Municipal Code Section 4-1.102 and any other information the Director of Public Works may deem necessary in order to determine whether a Well Permit should be issued, an application for a Well Permit shall include all of the following information:

- (1) The applicant's name and address;
- (2) The name of the person who will perform the work on the well;
- (3) A statement that the person who is to perform the work on the well is licensed under the provisions of Chapter 9 of Division 3 of the California Business and Professions Code as a well drilling contractor, including the number of such license, and that such license is in full force and effect, and a certificate satisfying the requirements of Section 3800 of the Labor Code; or, a statement that the applicant is exempt from these provisions and the basis of the claimed exemption(s).
- (4) The estimated or proposed depth of the well, casing material, sealing material, sealing method, use of the well, and drilling method to be used;
- (5) A description of the proposed method by which the work is to be performed;
- (6) The location of the property and well site, including the street address and assessor's parcel number(s); and
- (7) A plot plan (scale 1/4 inch equals 20 feet) indicating the location of the well with respect to the following items:
  - (A) Property lines;
  - (B) Sewage disposal systems or works carrying or containing sewage or industrial wastes within a two hundred foot radius of the proposed well;
  - (C) Perennial, seasonal, natural or artificial water bodies or water courses, including, if applicable, the location of the one hundred year floodplain;
  - (D) The drainage pattern of the property;
  - (E) Existing wells on the property, whether put to domestic, industrial, agricultural or other use;

(F) Access roads and easements (including water, sewer, utility, and roadway easements);

(G) The approximate ground level elevation of well site above mean sea level and the source of said information;

(H) Existing and/or proposed structures; and

(I) Animal or fowl enclosures, pens, paddocks, stockyards within a two hundred foot radius of the proposed well site.

(g) Standards for Permit Issuance. The Director of Public Works may issue a Well Permit if the Director finds that the Applicant has satisfied the general criteria of Municipal Code Section 4-1.103, and:

(1) that the proposed well complies with the design and spacing requirements adopted by the City with respect to wells;

(2) that water service from the City is not available to serve the reasonable water requirements of the property on which the well is proposed to be located; and

(3) the proposed well and its attendant uses will not unreasonably impair the rights of other operators, or the health, safety and welfare of the residents of the City or its customers.

(h) Guarantee of Performance. Prior to the issuance of a Well Permit, the person drilling the well shall post with the City a cash deposit or bond to guarantee compliance with the terms of this chapter and the applicable permit. Such deposit or bond shall be in the amount deemed necessary by the Director of Public Works to include but not be limited to the remedy of improper work, but not in excess of the total estimated cost of such work. Eighty-five percent of the deposit or bond shall be returned to the permittee when the work has been completed to the satisfaction of the City; the remaining fifteen percent of the bond shall be returned after one year of satisfactory well operation as determined by the City. These percentages may vary to cover special conditions and circumstances in order to guarantee performance and compliance with this Article. Licensed well drilling contractors shall not be required to post a bond or deposit guaranteeing performance.

(i) Performance of Work. All work pursuant to a Well Permit shall be performed in accordance with those standards for constructing, drilling, installing, or inactivating a well; modifying or repairing an existing, inactive or abandoned well; re-entering an abandoned or inactive well; or destroying an existing, inactive or abandoned well set forth in Bulletin Nos.

74-81 and 74-90 published by the California Department of Water Resources.

(j) Scope of Permit. A Well Permit issued for construction of a well covers the construction of one complete well. If the well driller proposes to change the site of the well from that shown on the site plan of a permit, the change in site must be pre-approved by the City prior to drilling.

(k) Abandoned or Inactive Wells. Any operator of a well that abandons the well after the effective date of this Article shall give written notice of the abandonment to the Department of Public Works within 60 days after the abandonment. An abandoned well shall be properly destroyed in accordance with the requirements of California Department of Water Resources Bulletin Nos. 74-81 and 74-90. An inactive well shall be considered abandoned and proper destruction required when it has been operated for less than 8 hours of pumping in any 12-month period, or if it is in such a state of disrepair that it cannot be made functional, or if it is a monitoring well from which no data has been taken for a period of 24 months, unless a Well Permit for inactivation is applied for and obtained in accordance with this Article before expiration of the 12-month inactive period. An inactive well must be maintained in accordance with the requirements of California Department of Water Resources Bulletin Nos. 74-81 and 74-90.

(l) Multiple Water Supply. Notwithstanding any other provision of this Section, no person shall drill, install or construct a well; modify or repair an existing, inactive or abandoned well; or re-enter an abandoned or inactive well, if that action will result in a violation of Section 6.03 of this Article.

(m) Emergency. Notwithstanding any other provision of this Section, in the event of an emergency, a person may construct, drill, and install a well, inactivate a well, modify or repair an existing, inactive or abandoned well, re-enter an abandoned or inactive well; or destroy an existing, inactive or abandoned well without the Well Permit required by this Section, provided that:

(1) Such work is performed in conformance with the standards set forth in this Article;

(2) The City is notified of such emergency work no later than the following City working day from initiation of such emergency work; and

(3) An application for the required permit is made within three working City days after initiation of such emergency work.

(n) Exemptions. The operator of an active well from which less than 1.5 acre feet per year is extracted is exempt from the provisions of this Section, except that the operator must still register the well in accordance with subsection (a) of this Section.

**Sec. 9-4.605 Transfer to Non-Adjoining Parcel**

(a) Permit Required. An operator of a well shall not sell, lease or otherwise transfer water from one legal parcel to a nonadjoining legal parcel without obtaining prior approval from the City by applying for and obtaining a Water Transfer Permit, in accordance with this Article.

(b) Permit Procedures. The Director of Public Works may issue Water Transfer Permits in accordance with Municipal Code Section 4-1.101 et seq.

(c) Standards for Permit Issuance. The Director of Public Works may issue a Water Transfer Permit if the Director finds that the nonadjoining parcel is not concurrently receiving water service from the City and that the Applicant has satisfied the general criteria of Municipal Code Section 4-1.103.

(d) Limit on Amount Transferred. The well operator may only transfer up to the average amount of the water which was consumptively used annually in the five year period preceding the calendar year in which the transfer is requested. If the well was in operation for less than five years prior to the request for transfer, the Director may establish a limit on the amount of water which may be transferred, based on the amount of water consumptively used from the well in the years immediately prior to the request or the average amount of water consumptively used annually from similar wells in the area.

(e) Other Conditions on Transfers. The well operator shall comply with any other conditions imposed by the City to avoid injury to existing lawful users and the environment.

**Sec. 9-4.606 Export from Basin or Plan Area**

(a) Permit Required. No person shall export groundwater from the Basin or the Plan Area without obtaining prior approval from the City by applying for and obtaining a Water Export Permit, in accordance with this Article. Exports existing on the effective date of this Section shall be exempt from the provisions of this Section.

(b) Permit Procedures. The Director of Public Works may issue Water Export Permits in accordance with Municipal Code Section 4-1.101 et seq.

(c) Standards for Permit Issuance. The Director of Public Works may issue a Water Export Permit if the Director

finds that the applicant has satisfied the general criteria of Municipal Code Section 4-1.103, has obtained all necessary permits required by law, and has demonstrated that a surplus of water exists capable of safe export without injury to existing beneficial uses of groundwater within the Basin or Plan Area.

(d) Time Limit on Water Export Permits. All Water Export Permits shall be valid for a specified period of time.

(e) Reduction or Suspension of Export. All Water Export Permits shall declare that they are subject to the right of Beverly Hills to further condition, reduce or suspend the permit where necessary to protect beneficial uses of water within the Basin or the Plan Area. The City may reduce or suspend any export of water whenever the export is determined to be causing an unreasonable interference with the ability of the City to meet its retail water supply needs or any other material injury within the Basin or the Plan Area, or whenever the Plan Area is in an overdraft condition and alternative water supplies are not available to rectify the condition. The City Council shall conduct a public hearing prior to terminating or reducing exports from the Basin to consider other appropriate measures to address the overdraft conditions and to consider information presented by any affected well operator.

**Sec. 9-4.607 Storage or Recapture of Imported or Developed Water**

(a) Permit Required. No person shall operate a project to store and recapture imported or developed water within the Basin without obtaining prior approval from the City by applying for and obtaining a Storage and Recapture Permit, in accordance with this Article.

(b) Permit Procedures. The Director of Public Works may issue Storage and Recapture Permits in accordance with Municipal Code Section 4-1.101 et seq.

(c) Standards for Permit Issuance. The Director of Public Works may issue a Storage and Recapture Permit if the Director finds that the applicant has satisfied the general criteria of Municipal Code Section 4-1.103.

(d) Exemption. Storage and recapture facilities existing on the effective date of this Section shall be exempt from the provisions of this Section.

**Sec. 9-4.608 Activities Degrading or Contaminating Water Supply**

No person shall undertake any activity within three hundred (300) feet of a well used to supply domestic uses that could materially degrade or contaminate a domestic water supply.

**Sec. 9-4.609 Permit Issuance as Discretionary Act**

The issuance of permits pursuant to this Article shall be deemed a discretionary act, and issuance shall be in the sole discretion of the Director of Public Works given the standards and policies set forth in this Article. In approving discretionary permits, the Director of Public Works is hereby authorized to impose any reasonable conditions, modifications, or limitations on any part of the application which are deemed necessary to eliminate or substantially mitigate any significant adverse impact on the environment, the City's groundwater resource and other City water supply sources, or the health and safety of the inhabitants of the City and to otherwise carry out the purpose and goals of this Article. As a discretionary act, issuance of a permit requires compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)

**Section 9-4.610 Revocation or Suspension of Permits**

The Director of Public Works may revoke or suspend permits issued pursuant to this Article in accordance with Municipal Code Section 4-1.107 et seq.

**Section 9-4.611 Right of Entry to Inspect**

The City shall have the right to enter upon any property at any reasonable time to make inspections and examinations for the purposes of enforcement of this Article, subject to the provisions of Code of Civil Procedure Section 1822.50 et seq.

**Section 9-4.612 Appeals from Denial, Suspension, Revocation**

Any person whose application for a permit pursuant to this Article has been denied, or whose permit has been suspended or revoked, by the Director of Public Works may appeal to the City Council in accordance with Chapter 4 of Title 1 of this Code."

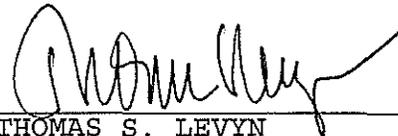
Section 12. This ordinance adopts rules and regulations pursuant to Water Code Section 10753.8 to implement and enforce the Groundwater Management Plan for the Hollywood Groundwater Basin in Los Angeles County (City of Beverly Hills). The City Council has considered the potential impact of these rules and regulations on business activities, including agricultural operations. The rules and regulations adopted in this ordinance minimize any adverse impacts on those business activities to the extent practicable and consistent with the protection of groundwater resources.

Section 13. The City Clerk shall cause this ordinance to be published at least once in a newspaper of general

circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code, shall certify to the adoption of this ordinance, and shall cause this ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

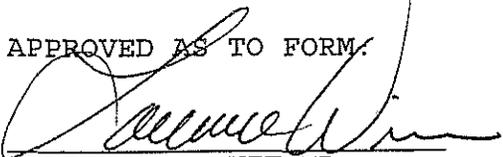
Section 14. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

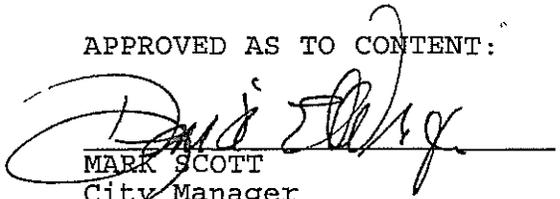
Adopted: May 4, 1999

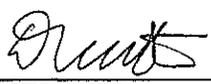
  
THOMAS S. LEVYN  
Mayor of the City of  
Beverly Hills, California

ATTEST:

 (SEAL)  
NINA UDY  
City Clerk

APPROVED AS TO FORM:  
  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:  
  
MARK SCOTT  
City Manager

  
DAN WEBSTER  
Director of Public Works