

## CHAPTER 20

**DRINKING WATER SOURCE PROTECTION**

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10-20-1: **SHORT TITLE AND PURPOSE:**

- A. This chapter shall be known as the *DRINKING WATER SOURCE PROTECTION ORDINANCE*.
- B. The purpose of this chapter is to ensure the provision of a safe and sanitary drinking water supply for the city by the establishment of drinking water source protection zones surrounding the wellheads for all wells which are the supply sources for the city water system and by the designation and regulation of property uses and conditions which may be maintained within such zones. (Ord. 2007-02, 3-6-2007)

10-20-2: **DEFINITIONS:** When used in this chapter the following words and phrases shall have the meanings given in this section:

**DESIGN STANDARD:** A control which is implemented by a potential contamination source to prevent discharges to the ground water. Spill protection is an example of a design standard.

**LAND MANAGEMENT STRATEGIES:** Zoning and nonzoning controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews,

design and operating standards, source prohibitions, purchase of property and development rights, public education programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

**POLLUTION SOURCE:** Point source discharges of contaminants to ground water of potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten (10) animal units. The following shall clarify the definition of pollution source:

**Animal Feeding Operation:**

A lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of forty five (45) days or more in any twelve (12) month period, and crops, vegetation forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two (2) or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

**Animal Unit:**

A unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over fifty five (55) pounds multiplied by 4.0, plus the number of

sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

Extremely Hazardous Substances:

Those substances which are identified in the sec. 302(EHS) column of the "Title III List Of Lists - Consolidated List Of Chemicals Subject To Reporting Under SARA Title III", (EPA 560/4-91-011).

POTENTIAL CONTAMINATION SOURCE:

Any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

REGULATORY AGENCY:

Any governmental agency with jurisdiction over hazardous waste as defined herein.

SANITARY LANDFILL:

A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

SEPTIC TANK/DRAIN FIELD SYSTEM:

A system which is comprised of a septic tank and a drain field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain field system discharges cannot be controlled with design standards.

WELLHEAD:

The upper terminal of a well, including adapters, ports, seals, valves and other attachments. (Ord. 2007-02, 3-6-2007)

10-20-3: **ESTABLISHMENT OF DRINKING WATER SOURCE PROTECTION ZONES:** There is hereby established use districts to be known as zones one, two, three, and four of the drinking water source protection area, identified and described as follows:

- A. Zone one is the area within a one hundred foot (100') radius from the wellhead.

- B. Zone two is the area within a two hundred fifty (250) day ground water time travel to the wellhead, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide, whichever is closer.
- C. Zone three (wavier criteria zone) is the area within three (3) year ground water time of travel to the wellhead of margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide, whichever is closer.
- D. Zone four is the area within fifteen (15) year ground water time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide, whichever is closer. (Ord. 2007-02, 3-6-2007)

10-20-4: **PERMITTED USES:** The following uses shall be permitted within drinking water source protection zones:

Any use permitted within existing agricultural, single-family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.

Any other open land use where any building located on the property is incidental and accessory to the primary open land use. (Ord. 2007-02, 3-6-2007)

10-20-5: **PROHIBITED USES:** The following uses or conditions shall be and are hereby prohibited within drinking water source protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of uses permitted under section 10-20-4 of this chapter:

- A. Zone one: The location of any "pollution source" as defined herein.
- B. Zone two: The location of a pollution source unless its contaminated discharges can be controlled with design standards.
- C. Zones three and four: The location of a potential contamination source unless it can be controlled through land management strategies. (Ord. 2007-02, 3-6-2007)

**10-20-6: ADMINISTRATION:**

- A. Policies And Procedures: The policies and procedures for administration of any source protection zone established under this chapter, including, without limitation, those applicable to nonconforming uses, exception, enforcement and penalties, shall be the same as provided in the existing zoning ordinance for the city of Fruit Heights, as the same is presently enacted or may from time to time be amended. (Ord. 2007-02, 3-6-2007)

