

WELLHEAD PROTECTION RESOLUTION

BE IT ORDAINED by the City Council of the Town of Brookland in session duly assembled and it is hereby ordained by the authority of the same that the following resolution known as the Wellhead Protection Resolution is adopted and made a part of the Rules and Regulations of Wellhead Protection, to wit:

Section 1. Short title and purpose.

- (a) This resolution shall be known as the "Wellhead Protection Resolution."
- (b) The purpose of this resolution is to insure the provision of a safe and sanitary drinking water supply for the system by the establishment of wellhead protection areas surrounding the wellheads for all wells which are the supply sources for the water system and by the designation and regulation of property uses and conditions which may be maintained within such areas.

Section 2. Definitions. Then used in this resolution the following words and phrases shall have the meanings given in this Section:

(a) Hazardous waste or material - any waste or material which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(b) Sanitary landfill - A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

(c) Wellhead - the upper terminal of a well, including adapters, ports seals, valves and other attachments.

(d) Regulatory agency - any governmental agency with jurisdiction over hazardous waste as defined herein.

Section 3. Establishment of wellhead protection area. There is hereby established a use district to be known as a wellhead protection area, identified and described as all the area within a circle the center of which is the center of any city water supply wellhead and the radius of which is 1,320 feet or any part thereof which the system has jurisdiction.

Section 4. Permitted uses. The following uses shall be permitted within wellhead protection areas:

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

(b) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

Section 5. Prohibited uses. The following uses or conditions shall be and are hereby prohibited within wellhead protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Section 4 of this ordinance unless such uses are approved or permitted by State and Federal Regulatory Agencies:

(a) Surface use of storage of hazardous material, expressly including commercial use of agricultural pesticides;

(b) Septic tanks or drain fields appurtenant thereto;

(c) Impervious surfaces other than roofs of buildings, and streets, driveways and walks serving buildings permitted under Section 4 of this resolution.

(d) Sanitary landfills;

(e) Hazardous waste disposal sites;

(f) Storm water infiltration basins;

(g) Underground storage tanks;

(h) Sanitary sewer lines within 100 feet of a wellhead;

Section 6. Administration. The policies and procedures for administration of any wellhead protection area established under this resolution, including without limitation those applicable to non-conforming uses, exceptions, enforcement and penalties, shall be the denial or termination of services to any customer or potential customer in violation of this resolution until all said violations have been satisfactorily eliminated.

This resolution shall be effective as of September 8, 1998. All resolutions and parts of resolutions in conflict herewith shall be and the same are hereby repealed.

ENACTED AND ADOPTED this 8th day of September, 1998.



Mayor

Attest:



Secretary/Treasurer