

WELLHEAD PROTECTION ORDINANCE

BE IT ORDAINED by the Mayor and Council of the City of Cherry
Valley in Council duly assembled and it is hereby ordained by the
authority of same that the following ordinance known as the wellhead Protection
Ordinance is adopted and made a part of the Code of Ordinances of the City of
Cherry Valley, to wit:

Section 1. Short title and purpose.

(a) This ordinance shall be known as the "Wellhead Protection
Ordinance."

(b) The purpose of this ordinance is to insure the provision of a
safe and sanitary drinking water supply for the City by the establishment of
wellhead 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.

Section 2. Definitions. When used in this ordinance 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 zone. There is hereby established a use district to be known as a wellhead protection zone, 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 1320 feet, or any part thereof which the city has jurisdiction.

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

(a) 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.

(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 or storage of hazardous material, including commercial use of agricultural pesticides;
- (b) Septic tanks or drain fields appurtenant thereto;
- (c) Impervious surfaces other than roofs of buildings, and streets, parking lots, driveways and walks serving buildings permitted under Section 4. of this ordinance;
- (d) Sanitary landfills;
- (e) Hazardous waste disposal sites;
- (f) Stormwater 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 zone established under this ordinance, including without limitation those applicable to non-conforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing zoning ordinance for the City of Cherry Valley, as the same is presently enacted or may from time to time be amended.

This Ordinance shall be effective as of March 9, 1993 (date).
All ordinances and parts of ordinances in conflict herewith shall be and the
same are hereby repealed.

ENACTED AND ADOPTED this 9th day of March, 1993.

Mike Wood
Mayor

Attest: Leona Meredith
City Clerk

(CITY SEAL)