

ORDINANCE No. 97-5

BE IT ORDAINED by the Mayor and Council of the City of Cotter duly assembled 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 Cotter.

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 citizens of Cotter by the establishment of wellhead protection zones surrounding the wellheads for all wells which are supply sources for the City of Cotter 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.

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SECTION 4. PERMITTED USES. The following uses shall be permitted within wellhead protection zones:

(A) Any use permitted within existing agricultural, residential, or 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 ordinances for the City of Cotter, as the same is presently enacted or may from time to time be amended.

Passed this 17th day of April, 1997

APPROVED:

  
Bill Jennings, Mayor

ATTEST:

  
Betty A. Anglin  
Recorder, Treasurer

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