

VILLAGE OF CLIFFORD
WELLHEAD PROTECTION ORDINANCE

ORDINANCE NO. 49

An ordinance to provide for the protection of municipal wells from sources of potential contamination.

THE VILLAGE OF CLIFFORD ORDAINS:

Section 1. PURPOSE AND TITLE. This Ordinance shall be known as the Wellhead Protection Ordinance, and its purpose is to ensure protection of sources of Village supplies of drinking water by prohibiting or regulating certain land uses within designated wellhead protection zones.

Section 2. DEFINITIONS. As used in this Ordinance, the following words and phrases shall have the following meanings:

- A. Discharge includes, but is not limited to, spilling, leaking, seeping, leaching, pouring, applying, dumping, emitting, emptying, or otherwise conveying, by way of gravitation or any other natural or artificial force, any hazardous substance as defined herein or as defined in any federal, state or other laws or applicable regulation.
- B. Hazardous Substance includes, but is not limited to, any chemical or other material which is, or may be, injurious to the public health, safety, welfare, or the environment, or any chemical or other material which, because of its quantity concentration, or physical, chemical, medical or infectious characteristics, may either (a) significantly contribute to an increase in incapacitating illness or mortality among human population or (b) pose a substantial, actual, or potential hazard to human health or to the environment when released or discharged as defined above or otherwise improperly managed.
- C. Wellhead Protection Zone means that area within a radius of two thousand (2,000) feet of the upper terminal of any Village municipal well, including the adapters, ports, seals, valves, or other attachments to said terminal.

Section 3. PROHIBITED USES. The following uses or activities are hereby prohibited within a wellhead protection zone, regardless of whether such use or activities may otherwise be ordinarily included as an aspect of a use or activity allowed under Section 4 of this Ordinance:

- A. Surface uses, storage, or discharge of any hazardous substance, including agricultural pesticides, household detergents, industrial and commercial solvents, or other substances falling within the definition set forth under Section 2(B) of this Ordinance.

- B. Septic tanks or drain fields for septic systems.
- C. Sanitary landfills or other disposal sites where solid waste or other substances falling within the definition of Section 2(B) of this Ordinance are disposed of by placement of same under earthen cover.
- D. Storage or maintenance of impervious surfaces/materials of any kind other than roofs of buildings and streets, driveways, walks or ways appurtenant to buildings, housing, or accommodating uses permitted under Section 4 of this Ordinance.
- E. Waste disposal sites involving the storage or maintenance of any substances falling within the definition set forth under Section 2(B) of this Ordinance.
- F. Storm water filtration basins or sewage treatment lagoons, whether operated by private or public authorities.
- G. Underground storage tanks of any kind.
- H. Sanitary sewer lines, other than those passing at least one hundred fifty (150) feet from a wellhead terminal as defined in Section 2(C) above.
- I. Businesses or storage facilities involving the handling of the following automotive or marine processes:
 - 1. Sales or rentals of vehicles or boats;
 - 2. Service, alteration or repair of same;
 - 3. Engine or battery manufacturing, repair, or storage;
 - 4. Fuel, petroleum, additive sales or storage;
 - 5. Rustproofing, painting, or customizing activities involving substances defined under Section 2(B).
- J. Businesses or storage facilities involving the handling of the following non-automotive/marine processes:
 - 1. Construction, contracting or road service operations;
 - 2. Dry cleaning and laundry facilities;
 - 3. Chemical, anodizing or electroplating operations or facilities for the sale, storage, or transfer/shipment or disposal of substances defined under Section 2(B);

4. Machinery sales or storage where fluids used in operation or maintenance of such machines fall within the definition under Section 2(B);
 5. Refinishing, painting, or resurfacing operations using substances falling under definition in Section 2(B);
 6. Medical, veterinary, or funeral facilities;
 7. Laboratories, photographic processing operations or any others handling fluids, either in bulk or otherwise, falling within definition in Section 2(B);
 8. Printing, copying, or inking operations;
 9. Depots or stations for handling fuels, including petroleum derivatives, coal, wood, or other combustible or fluid-based fuels of any kind.
- K. Offices performing routine administrative and clerical functions in connection with any of the foregoing types of substances falling under the definition of Section 2(B), shall be exempt from the prohibitions of this Section.
- L. New construction at any site within the wellhead protection zone may be reviewed by Village authorities to ensure the balance of substances within the definition of Section 2(B) as a condition of an ongoing building permit.

Section 4. PERMITTED USES.

- A. Any use, activity, facility, or operation identified in Section 3, continuously underway as the effective date of this Ordinance, may be maintained on the parcel upon which it has been maintained, but only so long as said use, activity, facility or operation is restricted to the volume and quantity of exposure to substances as defined under Section 2(B) previously established and not added to or expanded, and once discontinued may not be resumed without special permit for such resumption to be granted only where consistent with the public health, safety and welfare and for good cause shown.
- B. Any use permitted within existing single-family residential or agricultural zones, other than those specific uses or facilities cited under Section 3.
- C. Any use where the subject activity is incidental or accessory to the primary use for residential or agricultural purposes, other than those specific uses or facilities cited under Section 3.

Section 5. ADMINISTRATION. Policies and procedures for administration of this Ordinance for protection of municipal wellheads, including without limitation those applicable to

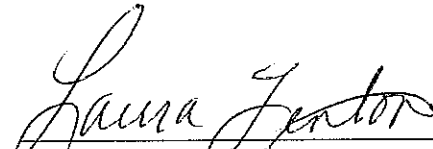
non-conforming uses, exceptions, special permits and for enforcement, shall be the same as provided in the Village Zoning Ordinance.

Section 6. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance is responsible for a municipal civil infraction, subject to payments of a civil fine of not less than Fifty (\$50.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Village Civil Infraction Ordinance, Ordinance Number 43.

The undersigned President and Clerk of the Village of Clifford hereby certify that this Ordinance was duly adopted by the Clifford Village Council at a meeting held on the 20th day of November, 2007 and was published in the LA View on the 6th day of December, 2007. This Ordinance was made effective 20 days after the date of adoption.



John Ode, President



Laura Fenton, Clerk