

ORDINANCE NO. 168

DRINKING WATER SOURCE PROTECTION ORDINANCE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSINORE IN COUNCIL DULY ASSEMBLED AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF SAME THAT THE FOLLOWING ORDINANCE KNOWN AS THE DRINKING WATER SOURCE PROTECTION ORDINANCE IS ADOPTED AND MADE A PART OF THE CODE OF ORDINANCE OF THE TOWN OF ELSINORE, TO WIT:

SECTION 1, SHORT TITLE AND PURPOSE.

- A. THIS ORDINANCE SHALL BE KNOWN AS THE "DRINKING WATER SOURCE PROTECTION ORDINANCE."
- B. THE PURPOSE OF THIS ORDINANCE IS TO INSURE THE PROVISION OF A SAFE AND SANITARY DRINKING WATER SUPPLY FOR THE TOWN BY THE ESTABLISHMENT OF DRINKING WATER SOURCE PROTECTION ZONES SURROUNDING THE WELLHEADS FOR ALL WELLS AND SPRINGS WHICH ARE THE SUPPLY SOURCES FOR THE TOWN'S 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. DESIGN STANDARD - MEANS 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.
- B. LAND MANAGEMENT STRATEGIES - MEANS ZONING AND NON-ZONING 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, GROUND-WATER MONITORING, HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAMS, WATER CONSERVATION PROGRAMS, MEMORANDA OF UNDERSTANDING, WRITING CONTRACTS AND AGREEMENTS, AND SO FORTH.
- C. PESTICIDE PARAMETER GROUP - PESTICIDE PARAMETER GROUP - MEANS THOSE CONTAMINANTS LISTED IN THE PESTICIDE PARAMETER GROUP OF THE *STATE OF UTAH RULES FOR PUBLIC DRINKING WATER SYSTEMS*. A CURRENT LIST MAY BE OBTAINED FROM THE STATE OF UTAH. IN CONNECTION WITH DRINKING WATER.
- D. POLLUTION SOURCE - MEANS POINT SOURCE DISCHARGES OF CONTAMINANTS TO GROUND WATER OR 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 ANIMAL UNITS. THE FOLLOWING CLARIFY THE DEFINITION OF POLLUTION SOURCE:
 - 1. ANIMAL FEEDING OPERATION – MEANS 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 45 DAYS IN ANY 12 MONTH PERIOD, AND CROPS, VEGETATION FORAGE GROWTH, OR POST-HARVEST RESIDUES ARE NOT SUSTAINED IN THE NORMAL GROWING SEASON OVER ANY PORTION OF THE LOT OR FACILITY. TWO 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.

2. ANIMAL UNIT – MEANS 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 55 POUNDS MULTIPLIED BY 0.4, PLUS THE NUMBER OF SHEEP MULTIPLIED BY 0.1, PLUS THE NUMBER OF HORSES MULTIPLIED BY 2.0.

3. EXTREMELY HAZARDOUS SUBSTANCES – MEANS 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).

- E. POTENTIAL CONTAMINATION SOURCE – MEANS 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.
- F. REGULATORY AGENCY – MEANS ANY GOVERNMENTAL AGENCY WITH JURISDICTION OVER HAZARDOUS WASTE AS DEFINED HEREIN.
- G. SANITARY LANDFILL – MEANS A DISPOSAL SITE WHERE SOLID WASTES, INCLUDING PUTRESCIBLE WASTES, OR HAZARDOUS WASTES, ARE DISPOSED OF ON LAND BY PLACING EARTH COVER THEREON.
- H. SEPTIC TANK/DRAIN-FIELD SYSTEMS – MEANS 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.
- I. WELLHEAD – MEANS THE UPPER TERMINAL OF A WELL, INCLUDING ADAPTERS, PORTS, SEALS, VALVES AND OTHER ATTACHMENTS.

SECTION 3. ESTABLISHMENT OF DRINKING WATER SOURCE PROTECTION ZONES.

THERE ARE 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 100-FOOT RADIUS FROM THE WELLHEAD OR SPRING.
- B. ZONE TWO IS THE AREA WITHIN A 250-DAY GROUND-WATER TIME OF TRAVEL TO THE WELLHEAD OR SPRING, 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 (WAIVER CRITERIA ZONE) IS THE AREA WITHIN A 3-YEAR GROUND-WATER TIME OF TRAVEL TO THE WELLHEAD OR SPRING, 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 A 15-YEAR GROUND-WATER TIME OF TRAVEL TO THE WELLHEAD OR SPRING. THE BOUNDARY OF THE AQUIFER(S) WHICH SUPPLIES WATER TO THE GROUND-WATER SOURCE, OR THE GROUND-WATER DIVIDE, WHICHEVER IS CLOSER.

SECTION 4. PERMITTED USES, THE FOLLOWING USES SHALL BE PERMITTED WITHIN DRINKING WATER SOURCE 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 LOOATED ON THE PROPERTY IS INOIDENTAL AND AOCESSORY TO THE PRIMARY OPEN LAND USE.

SECTION 5. PROHIBJTED 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 HE ORDINARILY INCLUDED AS A PART OF A USE PERMITTED UNDER SECTION 4 OF THE ORDINANCE.

- 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. ZONE THREE - THE APPLIOATION OF ANY SUBSTANOE FROM THE PESTIOIDE PARAMETER GROUP OR THE APPLICATION OF ANY SUBSTANCE FROM THE VOLATILE ORGANIO CHEMICAL (VOC) PARAMETER GROUP UNLESS IT CAN BE CONTROLLED THROUGH LAND MANAGEMENT STRATEGIES.
- C. ZONE FOUR- THE LOCATION OF A POTENTIAL CONTAMINATION SOURCE UNLESS IT CAN BE CONTROLLED THROUGH LAND MANAGEMENT STRATEGIES.

SECTION 6. ADMINISTRATION. THE POLICIES AND PROCEDURES FOR ADMINISTRATION OF ANY SOURCE PROTECTION ZONE ESTABLISHED UNDER THIS ORDINANCE, 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 TOWN OF ELSINORE. AS THE SAME IS PRESENTLY ENACTED OR MAY FROM TIME TO TIME BE AMENDED.

- A. VIOLATIONS WILL BE CONSIDERED ON AN INDIVIDUAL BASIS AND ACTIONS TAKEN AS DEEMED APPROPRIATE BY THE TOWN COUNCIL.

THIS ORDINANCE SHALL BE EFFECTIVE AS OF APRIL 7, 1998. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED. IF ANY SECTION, SUBSECTION OR CLAUSE OF THIS ORDINANCE SHALL BE DEEMED TO BE UNCONSTITUTIONAL OR OTHERWISE INVALID, THE VALIDITY OF THE REMAINING SECTIONS, SUBSECTIONS AND CLAUSES SHALL NOT BE AFFECTED THEREBY.

ENACTED AND ADOPTED THIS 7TH DAY OF APRIL, 1998