

CHAPTER 37: WELLHEAD PROTECTION ORDINANCE

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Section 37-101 Short Title and Purpose

1. This ordinance shall be known as the "Wellhead Protection Ordinance."
2. 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 37-102 Definitions

When used in this ordinance the following words and phrases shall have the meaning given in this Section:

1. **Hazardous Waste or Material.** Any waste or material which because of its quantity, concentration or physical, chemical or infectious characteristics may:
 - A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - B. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.
2. **Sanitary Landfill.** A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.
3. **Wellhead.** The upper terminal of a well, including adapters, ports seals, valves and other attachments.

Section 37-103 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 one thousand five hundred (1,500) feet.

Section 37-104 Permitted Uses

The following uses shall be permitted within wellhead protection zones:

1. Any use permitted within existing agricultural or single family residential districts, except that the minimum residential lot size for a lot any portion of which lies within the wellhead protection zone shall not be less one acre; and
2. Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

Section 37-105 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 37-104 of this Ordinance;

1. Surface use or storage of hazardous material, expressly including commercial use of agricultural pesticides;
2. Septic tanks or drain fields appurtenant thereto;
3. Impervious surfaces other than roofs of buildings, and streets, driveways and walks serving buildings permitted under Section 37-104 of this ordinance;
4. Sanitary landfills;
5. Hazardous waste disposal sites;
6. Storm water infiltration basins;
7. Underground storage tanks;
8. Sanitary sewer lines within one hundred fifty (150) feet of a wellhead;

Section 37-106 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 Bowman, as the same is presently enacted or may from time to time be amended.

(Adopted September 11, 2000)