ORDINANCE NO. 10-00

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY *(votes only in case of tie)*		
SHERMAN E. HUFF *Councilmember*	X	
LILLIAN J. SHEPHERD *Councilmember*	*(absent)*	
GLENN A. JAMES *Councilmember*	X	
ROY L. JOHNS *Councilmember*	X	
EVERETT KELEPOLO *Councilmember*	X	

I MOVE this ordinance be adopted: Councilmember Kelepolo
I SECOND the foregoing motion: Councilmember Huff

ORDINANCE 10-00

DRINKING WATER SOURCE PROTECTION ORDINANCE

WHEREAS, Spanish Fork City owns several sources of culinary water; and

WHEREAS, Spanish Fork City treats the water in accordance with State guidelines for delivery to its residents; and

WHEREAS, providing a clean and safe drinking of culinary water is of the utmost importance to the City; and

WHEREAS, the residents of the City rely upon the City to provide them with clean and safe culinary water; and

WHEREAS, the State of Utah, Water Quality Division, has promogated rules to assure that culinary water sources remain pure and safe for drinking; and

WHEREAS, the Water Quality Division has created a recommended drinking water source protection ordinance; and

WHEREAS, the Water Quality Division has the expertise to determine the criteria for adequate protection of culinary water sources;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I. Chapter 14 of Title 13, "Drinking Water Source Protection Ordinance" is hereby enacted as follows:

13.14.010. Purpose.

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 drinking water source protection zones surrounding the wellheads for all wells and springs which are the supply source for the City water system and by the designation and regulation of property uses and conditions which may be maintained within such zones.

13.14.020. Definitions.

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, pubic education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contract and agreements, and so forth.

c. Pollution source- means point source discharges of contaminants to ground water of potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quanities" 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:

i. 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 or more 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.

ii. 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.

iii. Extremely hazardous substances- means those substances which are identified in the Section 302 (EHS) column of the "TITLE III LISTS-Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 560/4-91-011.)

d. 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 PCS.

e. Regulatory agency -means any governmental agency with jurisdiction over hazardous waste as defined herein.

f. 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.

g. 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.

h. Wellhead - means the upper terminal of a well, including adapters, ports, seals, valves and other attachments.

13.14.030 Establishment of drinking water source protection zones.

There is hereby established use districts to be known as zones one, two, three, and four of the drinking water source protection area; identified and described in the City's drinking water source protection plans and as follows: (see attached map, also);

A. Zone one is the area within a 100-foot radius from the wellhead.

B. Zone two is the area within a 250-day ground-water time of travel to the wellhead, 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 margin of the collection area, 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, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

13.14.040 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 located on the property is incidental and accessory to the primary open land use.

13.14.050 Prohibited uses.

The following uses or condition shall be and are hereby prohibited within drinking water sources protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Section 13.14.040 of the ordinance.

A. Zone one- the location of any uncontrolled PCS 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 and four- the location of a PCS unless it can be controlled through land management strategies.

13.14.060 Administration.

The policies and procedures for administration of any source protection zone established under this ordinance, including without limitation those applicable to nonconforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing zoning ordinance as the same may from time to time be amended.

II.

This ordinance shall take effect 20 day after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 19th day of September, 2000.

DALE R. BARNEY, Mayor

ATTEST:

GINA PETERSON, Deputy Recorder

F:\ORDBOOK\ORD10.00

CORPORATE SEAL OF SPANISH FORK CITY • UTAH •

Proof of Publication

J. La [illegible] first duly sworn according to law, disposes and says that he is the Publisher [illegible] *FORK PRESS*, a weekly newspaper printed and published at Spanish Fork, [illegible] nd of general circulation therein; that the Notice, a copy of which is hereto attach[illegible] published in said paper.

ORDINANCE 10-00

DRINKING WATER SOURCE PROTECTION ORDINANCE

The Spanish Fork City Council has enacted a Drinking Water Source Protection Ordinance. A summary of the ordinance is as follows:

Chapter 14 of Title 13, "Drinking Water Source Protection Ordinance"

13.14.010. Purpose.

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 drinking water source protection zones surrounding the wellheads for all wells and springs which are the supply source for the City water system and by the designation and regulation of property uses and conditions which may be maintained within such zones.

13.14.020. Definitions.

a. Design standard
b. Land management strategies
c. Pollution source
d. Potential contamination source
e. Regulatory agency
f. Sanitary landfill
g. Septic tank/drain-field system
h. Wellhead

13.14.030 Establishment of drinking water source protection zones.

13.14.040 Permitted uses.

13.14.050 Prohibited uses.

13.14.060 Administration.

A complete copy of the ordinance is available for review and inspection at the Spanish Fork City Office, Office of the City Recorder, 40 South Main, Spanish Fork.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 19th day of September, 2000.

Published in the Spanish Fork Press October 26, 2000

for consecutive One weeks,

the first publication on the 26th day

of October 2000

and the last on the 26th day of

October 2000

Sara Henderson

Subscri[illegible] ore me this 26th day of October 2000

Sara Worthington

Notary Public

SARA WORTHINGTON
NOTARY PUBLIC - STATE of UTAH
6701 SOUTH 4000 WEST
SP. FORK, UT 84660
COMM. EXP. 3-14-2003