

WELLHEAD PROTECTION ORDINANCE

BE IT ORDAINED by the Mayor and council of the city of Fort Gaines, Clay County, in Council duly assembled and it is hereby ordained by the authority of the same 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 Fort Gaines, to wit:

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 City by the establishment of well head protection zones surrounding the wellheads/springs for all wells/springs 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 2. Definitions.

- (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 the serious irreversible or incapacitation reversible illness;
 - (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, is 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.

Section 3. Establishment of Wellhead Protection Zones. There is hereby established,

a use district 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 100 feet.

Section 4. Permitted uses. The following uses shall be permitted within Wellhead Protection Zones:

- (a) 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 than one acre; and
- (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:

- (a) Surface use or storage of hazardous material, expressly including commercial use of agricultural pesticides;
- (b) Septic tanks or drain fields appurtenant thereto;
- (c) Impervious surfaces other than roofs of buildings and street, and driveways and walks serving buildings permitted under Section 4 of this Ordinance;
- (d) Sanitary landfills;
- (e) Hazardous waste disposal sites;
- (f) Storm water infiltration basins;
- (g) Underground storage tanks;
- (h) Sanitary sewer lines within 150 feet of a wellhead.

Section 6. Administration. The policies and procedures for administration of any Wellhead Protection Zone established under this Ordinance, including without

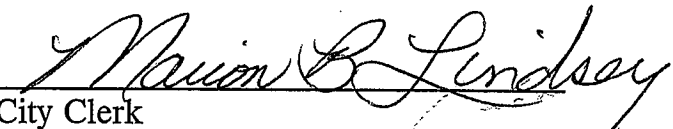
limitation those applicable to non-conforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing zoning ordinance for the City of Fort Gaines, as the same is presently enacted or may from time to time be amended.

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed.

ENACTED AND ADOPTED this 9th day of October, 2001.



Mayor



City Clerk

(City Seal)

