

Section 400.320. "WHP" Wellhead Protection District.

[R.O. 2011 § 400.320; R.O. 2009 § 156.065; Ord. No. 98-209, 5-15-1998; Ord. No. 04-176, 8-4-2004; Ord. No. 10-26 § 1, 2-19-2010; Ord. No. 13-116 § 3, 6-20-2013]

- A. Purpose. The purpose of this Section is to safeguard the public health, safety and general welfare through the protection of groundwater used as a public water supply.
- B. Permitted Uses. Any use permitted by right in an underlying zoning district shall also be permitted by right in an overlying Wellhead Protection District, the boundaries of which are illustrated on the map attached to Ord. No. 10-26 and on file in the City offices.
- C. Conditional Uses.
 - 1. The following uses may be permitted in the "WHP" Wellhead Protection District as a conditional use if approved by the City Council following recommendation by the Planning and Zoning Commission:
 - a. The production, use, handling or storage of any hazardous substance or liquid petroleum product.
 - b. Fleet maintenance repair and service facilities, including, but not limited to, mechanic services, transmission repair services and oil changing services in conjunction with and supplementary to a permitted business operation.
 - c. Construction of new underground storage tanks and associated pipes in compliance with applicable local, State and Federal laws and in conjunction with and supplementary to a permitted business operation.
 - d. Dry-cleaning business.
 - e. Furniture stripping.
 - f. Wastewater pretreatment facilities or other impoundments of waste material.
 - g. Vehicle service stations and convenience stores which sell motor fuel.
 - h. Electrical power generator and substations.
 - i. Closed-loop heat pump well systems, provided the entire length of the pipe system is sealed with a thermal grout.
 - j. Materials recovery facilities for properties located within the "I-2" Heavy Industrial District only, provided the operations are conducted within enclosed buildings, do not involve outdoor processing, and the only material accepted is non-hazardous construction and demolition waste. Such waste is limited to wood, drywall, masonry, concrete, metal, plastic, cardboard, paper, roofing, and asphalt products.
 - k. Temporary storage of new and used motor vehicles, recreational vehicles, boats, and trailers if permitted as a conditional use in the underlying zoning district. All stored vehicles, boats, and trailers must be in operable condition. **[Ord. No. 20-146, 10-20-2020]**

2. In order to receive approval from the City Council, each facility which handles or uses regulated substances must fulfill the following requirements:
 - a. Provide for the installation and maintenance of devices for secondary containment in case of inadvertent discharge from primary containers. Ensure the proper storage of regulated substances to ensure the integrity and proper functionality of impervious floor surface.
 - b. Submission of an emergency contingency plan for each facility to respond to unauthorized discharges.
 - c. Carrying of insurance which would pay for the cost of cleanup incurred as the result of inadvertent discharge. **[Ord. No. 24-100, 8-6-2024]**
 - d. The three (3) previous requirements must be approved in writing by both the Fire Chief and the Community Development Director or their designees.
- D. Prohibited Uses. The following uses are prohibited in the "WHP" Wellhead Protection District:
 1. The production, use, handling, or storage of any extremely hazardous substance, greater than the exempted quantity, as defined in Section 400.050.
 2. Landfills, including, but not limited to, industrial and municipal landfills; open dumps; or any other waste disposal facility.
 3. Waste transfer stations and incinerators, except for materials recovery facilities as defined in Section 400.050 and described in Subsection (C).
 4. Waste disposal wells and underground injection of liquid wastes.
 5. Sewage lagoons.
 6. Wastewater treatment plants.
 7. Cemeteries and graveyards for humans or domesticated animals.
 8. Scrap and junkyards.
 9. Uncovered salt storage.
 10. Private potable water wells into known and potential sources of contamination, including, but not limited to, those identified on Exhibit A as filed in the City Clerk's office.
 11. Ponds/lakes constructed deeper than fifteen (15) feet, in order to prohibit excavation below the upper cohesive solids into the underlying sand and gravel aquifer except at properties where site specific drilling data indicates deeper excavation, will not contact the sand and gravel aquifer to a maximum allowable excavation depth of five (5) feet above the base of the upper cohesive soils.
 12. Open-loop heat pump well systems which utilize groundwater as the heat source and

sink.

13. Any use not described in Subsections (B) or (C).
- E. Exemptions. The following substances are not subject to the provisions of this Chapter, as long as they are used, handled or stored in a manner that does not result in contamination of the groundwater:
1. Use of any regulated substance in an amount less than the exempted quantity for that substance.
 2. Any substance to the extent it is used for personal, family or household purposes or is present in the same form and concentration as a product packaged for distribution and use by the general public. However, regulated substances used in the operation of a home business shall not be exempt from the provisions of these requirements.
 3. Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the user.
 4. Any substance to the extent it is used in a research laboratory, hospital or other medical facility and is under the direct supervision of a technically qualified individual.
 5. Regulated substances contained in properly operating sealed units (transformers, refrigeration units, etc.) which are not operated as part of routine use and which are in operable condition.
 6. Motor fuels, lubricants and coolants which are in use within operable internal combustion engines and attached fuel tanks.
 7. Radioactive materials regulated by the United States Nuclear Regulatory Commission.
 8. Regulated substances in continuous transit through a "WHP" District.
- F. Design Standards. Within the "WHP" District, the design standards of the district upon which the "WHP" District is superimposed shall apply. In addition, the following design standards shall be required in a "WHP" zoning district:
1. Operation of existing underground storage tanks is permitted, as long as doing so is within compliance with applicable State and Federal laws.
 2. Other design measures as required to receive a conditional use permit from the City Council, including, but not limited to, the following: **[Ord. No. 20-146, 10-20-2020]**
 - a. All areas used for storage or parking shall be paved with an approved impervious surface.
 - b. Required pretreatment of stormwater runoff as approved by the City.