

ORDINANCE 17-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALTA, IOWA, 2014 BY REPEALING TITLE II, CHAPTER 3 WELL SEPARATION, ARTICLE 7 – WELL SEPARATION AND REPLACING WITH A NEW ARTICLE 7 – WELL SEPARATION

WHEREAS, Alta Municipal Utilities provides the City, its residents and businesses with potable water;

WHEREAS, The purpose of this ordinance is to establish separation distances from wells for all structures and uses, to protect the public, and to preserve the health and welfare of the community by protecting water purity.

WHEREAS, the City wants to ensure its residents and businesses have an adequate and healthy supply of potable water and to protect the welfare of the community;

BE IT ENACTED by the City Council of the City of Alta, Iowa:

Section 1. Title II, Chapter 3 Well Separation, Article 7 – Well Separation is hereby repealed and replaced in lieu thereof with the following:

CHAPTER 3: WELL SEPARATION

ARTICLE 7 - WELL SEPARATION

7.01 PURPOSE. The purpose of this chapter is to establish separation distances from wells for all structures and uses, to protect the public, and to preserve the health and welfare of the community by protecting water purity.

7.02 DEFINITIONS. For use in this chapter, the following terms have been defined:

1. "Shallow well". A well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock at least five (5) feet thick located at least twenty-five (25) feet below the normal ground surface and above the aquifer from which the water is drawn.
2. "Deep well". A well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least five (5) feet thick located at least twenty-five (25) feet below the normal ground surface and above the aquifer from which the water is drawn.
3. "Animal waste". Animal wastes consisting of excrete, leachings, feed losses, litter, washwaters or other associated wastes.
4. "Cistern": A covered tank in which rainwater from roof drains is stored.

5. "Low permeability". An unconsolidated soil layer of well-sorted, fine grain-sized sediments that under normal hydrostatic pressures would not be significantly permeable. Low permeability soils may include homogenous clays below the zone of weathering, mudstone, claystone, and some glacial till.

7.03 DISTANCES. No structures or facility of the following enumerated and listed types shall be located within the distances set forth after each structure of facility, from a deep public well within the city limits:

1. Well house floor drains - 5 feet.
2. Water treatment plant wastes - 50 feet.
3. Sanitary and industrial discharges - 400 feet.
4. Water plant treatment process wastes that are treated onsite and well house floor drains to surface – none within 5 feet.
 - a. 5-10 feet water main materials enclosed in concrete permitted.
 - b. 10-25 feet must be water main material.
 - c. 25-75 feet must be watertight sewer pipe.
5. Well house floor drains to sewers, water plant wastes to sanitary sewer, storm or sanitary sewers or drains;
 - a. None permitted within 25 feet.
 - b. If closer than 75 feet, must be water main material.
 - c. If between 75 and 200 feet, must be watertight sewer pipe.
6. Sewer Force Mains
 - a. None permitted within 75 feet.
 - b. If within 400 feet, must be water main materials.
 - c. If between 400 and 1,000 feet, must be watertight sewer pipe
7. Land application of solid wastes - 200 feet.
8. Irrigation of waste water - 200 feet.
9. Concrete vaults and septic tanks - 100 feet.
10. Mechanical wastewater treatment plants - 200 feet.
11. Cesspools and earth pit privies - 200 feet.
12. Soil absorption fields - 200 feet.

13. Lagoons - 400 feet.
14. Chemical application to ground surface - 100 feet;
Chemical and mineral storage above ground - 100 feet;
Chemical and mineral storage on or above ground- 200 feet.
15. Animal pasturage - 50 feet.
16. Animal enclosure - 200 feet.
17. Animal wastes:
 - a. Land application of solids - 200 feet.
 - b. Land application of liquid or slurry - 200 feet.
 - c. Storage tanks - 200 feet.
 - d. Solids stockpile - 200 feet.
 - e. Storage basin or lagoon - 400 feet.
18. Earthen silage storage trench or pit - 100 feet.
19. Basements, pits, sumps - 10 feet.
20. Flowing streams or other surface water bodies - 50 feet.
21. Cisterns - 50 feet.
22. Cemeteries - 200 feet.
23. Private wells - 200 feet.
24. Solid waste disposal sites - 1,000 feet.
25. Transmission pipelines (such as fertilizer, liquid petroleum, or anhydrous ammonia - 200 feet.
26. Railroads – 100 feet.

7.03 **PENALTIES.** No building permit shall be issued which is in violation of this separation distances from municipal wells if in violation of this chapter or a source of contamination for said well. Any use or construction in violation of this section shall be a nuisance as defined in Title VII, Chapter 1 of the Municipal Code and prohibited pursuant to Title VII, Chapter 1 of the Municipal Code and the notice requirements regarding abatement of nuisances and all provisions of the Municipal Code in regard to abatement, costs of collection, hearings and penalties for maintaining a nuisance as set forth therein shall be applicable. Specifically, and in addition to any other remedies allowed by ordinance or at

law, the City shall recover any costs for water treatment which is created by any source of contamination which is identified, where said source is in violation of this ordinance.

Section 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. When Effective. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Pass and approved by the City Council of the City of Alta, Iowa, this 6th day of March, 2017.

Mayor

Attest: _____
City Clerk