

TOWN OF DAUPHIN ISLAND, ALABAMA

Ordinance No. 12

AN ORDINANCE ESTABLISHING "WELLHEAD PROTECTION" IN THE TOWN OF DAUPHIN ISLAND, ALABAMA WHICH SETS PROHIBITIONS AND RESTRICTIONS TO PROTECT PUBLIC UTILITY POTABLE WATER SUPPLY FROM CONTAMINATION BY HAZARDOUS OR TOXIC SUBSTANCES, AND PROTECT AGAINST THE DESTRUCTION OF THE RESOURCES OF THE TOWN BELONGING TO THE GENERAL PUBLIC.

WHEREAS, the existing deep aquifer public water supply on Dauphin Island has experienced long term, decline in water quality due to increases in iron and chloride concentrations; and

WHEREAS, a shallow groundwater aquifer has been found to be an adequate interim source of public water supply; and

WHEREAS, the shallow groundwater aquifer on the Island is the only economically practical new source of drinking water for the residents of the Island; and

WHEREAS, the shallow groundwater aquifer is exposed to potential contamination from activities on the Island; and

WHEREAS, there is an urgent need to protect existing and future public potable water supply wells on the Island from contamination; and

WHEREAS, there is a need to ensure shallow groundwater wellfield protection by limiting the storage, handling, use or production of hazardous or toxic substances within Zones of Influence (ZOI) of wellfields; and

WHEREAS, authority is granted to the Town of Dauphin Island, to protect the resources of the Town, which includes the potable water supply; NOW, THEREFORE,

BE IT ORDAINED BY THE TOWN COUNCIL OF DAUPHIN ISLAND, ALABAMA:

Section 1. SHORT TITLE

This Ordinance shall be known as the "Wellhead Protection Ordinance".

Section 2. LEGISLATIVE INTENT

2.01 The intent of this Ordinance is to safeguard the health, safety, and welfare of the residents of Dauphin Island, by regulating the storage, handling, use, or production of hazardous or toxic substances within identified ZOIs surrounding wells in the Island's shallow groundwater aquifer.

2.02 Each of the substances to be regulated (Regulated Substance) has one or more of the following characteristics:

- (a) Known hazardous and toxic properties.
- (b) Liquid compounds of, or water soluble forms of, volatile organic chemicals and synthetic organic chemicals identified in the Drinking Water Priority List or Contaminant List of the Federal Safe Drinking Water Act (SDWA), latest revision.
- (c) Substances which decompose to toxic products.
- (d) Toxic properties that are prone to pass downward through sandy soils, to enter into and mix with groundwater, and to be transported by the movement of groundwater to water supply wells.

Section 3. ZONES OF INFLUENCE (ZOI)

The ZOI's are as follows:

- (a) Zone 1: Within 40 feet of any shallow aquifer public water supply well.
- (b) Zone 2: All property east of Penalver Street, excepting all property south of the "dune line".
- (c) Zone 3: All property west of Penalver Street, excepting all property south of the "dune line".

Section 4. PROHIBITIONS AND RESTRICTIONS WITHIN ZONES OF INFLUENCE

4.01 Within Zone 1, no activity which includes the storage, handling, use or production of any Regulated Substance shall be permitted except as necessary to maintain the public water supply wells.

4.02 Within Zone 2, the following activities which may include the storage, handling, and use of Regulated Substance shall be permitted:

- (a) Operation and maintenance of the public water supply and wastewater disposal systems;
- (b) fuel storage and use, lubrication, coating, cleaning, or other household activity typical in residences, provided that these substances are not discharged to the ground;(1)
- (c) existing non-residential use that is in conformance with all other state and Federal rules;(1) and,
- (d) other temporary or permanent uses for which the user has demonstrated to the Town's satisfaction that such use will not endanger any public utility potable water supply, and for which the user has received the Town's written approval for such use. (In granting such written approval, the Town may prescribe additional conditions and safeguards necessary to protect the water supply.)

Such other activities that may endanger the public water supply are prohibited.

Within Zone 2, except for single family residential use, new or expanded land use shall be prohibited, except by petition. A petition made to the Town will be approved provided the petitioner demonstrates to the Town's satisfaction that the proposed land use will not endanger any public utility potable water supply.

4.03 There are no wellhead protection restrictions within Zone 3.

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(1) This paragraph does not allow any outdoor use of the pesticides prohibited by Section 2 of this Ordinance.

Section 5. NOTICE OF VIOLATION AND HEARING

Whenever it is determined that there is a violation of this Ordinance the Notice of Violation issued shall:

- (a) be in writing;
- (b) be dated and signed by the Town's agent making the inspection; and
- (c) specify the violation or violations.

Section 6. APPEALS AND VARIANCES

Any person who has a bona fide controversy with the Town of Dauphin Island, as to the interpretation or application of this Ordinance or related laws pertaining to wellhead protection may appeal in writing to the Town Council of the Town of Dauphin Island.

Section 7. SEVERABILITY

If any section, sub-section, sentence, clause or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

Section 8. VIOLATION OF SECTION

8.01 Whoever violates any section of this ordinance shall first be given a written warning by the Town, and thereafter shall be guilty in accordance with this Section.

8.02 Whoever fails to obey a warning under this Section shall be guilty of an offense. Each and every day during which such person continues to violate the provisions of this Ordinance after having once been notified of such violation shall constitute a separate offense. Upon conviction of violating any section of this Ordinance, a person shall be punished by a fine not to exceed \$500 or imprisonment for not more than 6 months, or both.

Section 9. ACCESSORIES

Any person, being the owner, agent, or having control of the premises, architect, engineer, contractor, builder, subcontractor, foreman, mechanic, employee, or other person who

shall violate or assist in the violation of this Ordinance, or of any certificate, order, or permit issued hereunder, shall on conviction, be punished as in Section 8.

Section 10. EXCLUSIONS

Nothing contained herein shall apply to those properties lying south of the sand dunes on the Gulf Beach.

ADOPTED THIS 2d day of MAY, 1989.

  
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Mayor

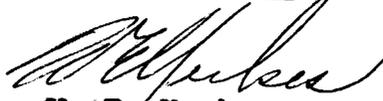
ATTEST:

  
\_\_\_\_\_  
Town Clerk

TOWN OF DAUPHIN ISLAND, ALABAMA

Certificate of Publication

This is to certify that Ordinance Number 12, Town of Dauphin Island, Alabama was published by posting on at least three (3) Bulletin Boards in the Town from 4 MAY 89 to 11 MAY 89.

  
W. E. Yerkes  
Town Clerk