LUMPKIN COUNTY RESOLUTION NO. 2016-29

A RESOLUTION TO CORRECT A CLERICAL ERROR IN THE LUMPKIN COUNTY WELLHEAD PROTECTION ORDINANCE

Whereas, the governing authority of Lumpkin County adopted the Lumpkin County Wellhead Protection Ordinance by Resolution No. 2010-71 on December 16, 2010; and

Whereas, said Ordinance contained a clerical error in the definition of the Control Zone in Section 2, paragraph a. As adopted, said Ordinance defines the Control Zone as all that area within a circle, the center of said wellhead and the radius of which is 157 feet instead of 15 feet; and

Whereas, the governing authority of Lumpkin County now desires to correct the clerical error in the definition of the Control Zone;

Now therefore, it is hereby resolved that the Lumpkin County Wellhead Protection Ordinance adopted by Resolution No. 2010-71 is amended to correct the definition of the Control Zone in Section 2, paragraph a. to read as follows:

The Control Zone is all that area within a circle, the center of which is the wellhead and the radius of which is 15 feet.

All other provisions of said Wellhead Protection Ordinance shall remain in full force and effect.

The amended Wellhead Protection Ordinance is attached hereto as Exhibit "A".

Resolved, adopted and effective this 17th day of May, 2016.

Chris Dockery, Chairman
Lumpkin County Board of Commissioners

Attest:

Kathleen C. Walker
Clerk, Lumpkin County

THE LUMPKIN COUNTY WELLHEAD PROTECTION ORDINANCE

EFFECTIVE JANUARY 1, 2011
AMENDED MAY 17, 2016

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

The purpose of this ordinance is to insure the provision of a safe and sanitary drinking water supply for Lumpkin County by the establishment of wellhead protection zones surrounding the wellheads for all wells and springs which are the supply sources for the Lumpkin County Water and Sewerage Authority water system, and by the designation and regulation of property uses and conditions which may be maintained within such zones.

Section 1. Definitions. When used in this ordinance the following words and phrases shall have the meaning given in this section:

a. Hazardous waste or material - any waste or material which because of its quantity, concentrated or physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitation reversible illness; or

(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 Landfills - A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

c. Wellhead - The upper terminal of a well or spring, including adapters, ports, seals, valves and other attachments.

Section 2. Establishment of a wellhead protection zone. There is hereby established a use district to be known as a wellhead protection zone, identified and described as all the area within a zone, within of which is the center of any LCWSA water supply wellhead. In a situation where the wellhead protection zone extends into the jurisdiction of another government entity, the governing authority of Lumpkin County will request that government to respect the protective features of this ordinance. The area will consist of two zones identified as follows:

a. The Control Zone: Within this zone, the Lumpkin County Water and Sewerage Authority shall control all activities so that there are minimal sources of potential pollution in the immediate vicinity of the wellhead. The Control Zone is all that area within a circle, the center of which is the wellhead and the radius of which is 15 feet.

b. The Management Zone: Within this zone, certain potential pollution sources are prohibited and certain activities must be performed in accordance with the State of Georgia "Rules for Safe Drinking Water, Section 391-3-5.40 Wellhead Protection". The Management Zone may include inner- and outer-management zones, and contains the control zone and the wellhead as identified in the approved Georgia Wellhead Protection Plan for the Lumpkin County Water and Sewerage Authority.

Section 3. 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 3 of this ordinance:

a. Any new septic tanks or drain fields appurtenant thereto may not be less than 100 feet from the wellhead;

b. Sanitary landfills;

c. Hazardous waste disposal sites;

d. Any new storm water infiltration basins within 250 feet of the wellhead;

e. Any new underground storage tanks within 250 feet of the wellhead;

f. Any new sanitary sewer lines within the control zone of a wellhead.

Section 4. 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 Lumpkin County Water and Sewerage Authority, as the same is presently enacted or may from time to time be amended.

This ordinance shall be effective as of January 1, 2011. All ordinances and parts of ordinances in conflict herewith shall be hereby repealed. This ordinance was amended May 17, 2016.