

**WS WATER SOURCE  
PROTECTION OVERLAY  
DISTRICT**

**ARTICLE 11.00  
WS WATER SOURCE PROTECTION OVERLAY DISTRICT**

11.01 INTENT. This district is intended to preserve the quality and quantity of the area's water resources so as to ensure a safe and adequate supply of drinking water for present and future generations. Restrictions shall apply to land use activities which have the potential to contaminate water resources, including aquifers and wellhead sites currently in use and those having the potential for future use as a public water supply.

The purpose of these regulations is to prohibit certain uses which pose the greatest threat to groundwater contamination and to impose reasonable and adequate safeguards on other uses which exhibit a potential to contaminate the groundwater.

The Water Source Protection Overlay District is an overlay whose boundaries are superimposed on all districts established by this ordinance. It is not intended that these regulations interfere with, abrogate, or annul any other rules or regulations of this ordinance, except that if the Water Source Protection Overlay District imposes a greater restriction than the underlying zoning district regulations, they shall control.

11.02 BOUNDARIES OF DISTRICT. The boundaries of the Water Source Protection Overlay District are shown upon the maps which have been made a part hereof by reference. The maps shall be signed by the Chairman of the Board of County Commissioners and Mayor and filed with the County Register of Deeds. The maps shall have the same force and effect as if they were all fully set forth herein.

11.03 CONDITIONAL USES. A conditional use shall be required for any use which involves the storage and/or use of a regulated substance as defined by this ordinance. All available practical methods of preventing and controlling the contamination of groundwater from waste and other contaminants shall be employed.

11.04 STANDARDS. The following standards shall apply to uses in the Water Source Protection Overlay District:

- (A). Tanks used for the storage of a regulated substance shall be governed as follows:
  - (1). A zoning permit shall be issued by the County Office of Planning and Zoning prior to placement or installation of any tank described below.
  - (2). All metallic tanks installed underground must be of double-wall

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construction and cathodically protected.

- (3). All nonmetallic tanks installed underground must be of double-wall construction.
- (4). All underground tanks must be equipped with a continuous leak detection system capable of immediately detecting a leak and giving audible and visible alarms.
- (5). All underground tanks and all above ground stationary tanks must be equipped with overfill protection devices. These devices must alert the transfer operator that the tank is 90 percent full or automatically shut off flow to the tank when the tank is no more than 95 percent full. All tanks must be equipped with an impervious spill containment basin.
- (6). All fluid handling piping shall be of double-walled construction and shall include double-wall containment at the tank and to grade under any dispensing device.
- (7). Piping on pressure systems shall be equipped with leak detection devices that will promptly notify the operator of a problem in the system in one or more of the following manners:
  - (a). Give an audible and visible warning through the tank alarm panel.
  - (b). Completely stop the flow of the material to the dispenser.
- (8). Secondary containment shall be provided around and under all above ground stationary tanks and consist of native soils, clays, bentonites, or artificially constructed material equivalent to 60 mil high density polyethylene or greater. An impermeability of at least 10(-6) centimeter/second is required to permit containment and detection of a release. Secondary containment must be constructed and maintained to meet impermeability requirements for the operational life of the tank(s). Secondary containment must be capable of containing 110 percent of the volume of the largest tank.
- (9). Storage of petroleum products in stationary above ground tanks as part of an agricultural activity shall be governed as follows:
  - (a.) A tank with a capacity of 55 gallons or less shall be exempt from these standards.
  - (b.) A tank with a capacity in excess of 55 gallons or a series of tanks with a total capacity exceeding 100 gallons shall provide secondary containment as set forth in subsection 8 above.
- (10.) Propane tanks shall be exempt from these standards.

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- (B). Sewer lines must be of PVC material and the joints must be sealed.
- (C). Reserved. *(amended by MC 16-5-91)*
- (D). When pastured animals are confined for winter feeding and the number exceeds 200 animal units, measures shall be employed to contain all waste on site. Winter feeding of pastured animals shall not constitute a feedlot.

**11.05 PROHIBITED USES.** The following uses shall not be allowed in the Water Source Protection Overlay District:

- (A). Sanitary landfill, solid waste transfer facility.
- (B). Waste disposal except the spreading of solid and liquid animal waste.
- (C). Sewage disposal pond except when in conjunction with an animal feeding operation. In such case, a conditional use shall be required for the disposal pond. *(amended by 16-40-98)*
- (D). Disposal of radioactive waste.
- (E). Disposal of snow containing de-icing chemicals.
- (F). Reserved. *(amended by 16-40-98)*
- (G). Injection well(Class V well).
- (H). Petroleum products terminal.
- (I). Junk or salvage yard.
- (J). Manufacture of a regulated substance.
- (K). Unenclosed storage of road salt.
- (L). Cemetery.