ORDINANCE 2007-12

WELLHEAD (WATERSHED) PROTECTION ORDINANCE

WHEREAS, the City Council of Mulberry has reviewed and examined the proposed Wellhead Protection Ordinance as set out herein; and

WHEREAS, the City Council of Mulberry has expressed the desire of the community it represents to protect as fully as it deems feasible its present and future sources of groundwater supply;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULBERRY, ARKANSAS:

SECTION 1. **Statement of Purpose**

It is the purpose of this Ordinance to:

1. promote the public health, safety, and general welfare of the citizens of Mulberry.
2. minimize the financial and other losses which would be incurred by contamination of the public water supply.
3. implement a Wellhead Protection program following guidelines of the Arkansas Department of Health that will help insure the provision of potable groundwater to our citizens now and in the future.
4. contribute to the general public effort of protecting and conserving the natural resource of our state for future generations.

SECTION 2. **Implementation of the Wellhead Protection Program**

Implementation of the Wellhead Protection Program shall consist of several parts which may be phased in at the discretion of the City and over the time period deemed reasonable and adequate for the City. The parts shall include:

1. Establishment of a Wellhead Protection Area around each well or well field.
2. Inventory of the potential sources of contamination within the Wellhead Protection Area on a periodic basis.
3. Restriction, prohibitions, or other kinds of controls of these potential sources as well as activities that could cause groundwater to become contaminated within the Wellhead Protection Area.
4. Periodic monitoring of selected chemical parameters of the water from selected wells within the Wellhead Protection Area to provide early warning of contaminated groundwater moving towards public supply wells.
5. Establishment of an Emergency Action Plan to be implemented if a contamination event should occur.

SECTION 3. **Basis for Delineating a Wellhead Protection Area**

The Wellhead Protection Area shall be delineated (i.e., its boundaries determined) by a qualified hydro-geologist using the methodology warranted by the kind, quality, and quantity of the hydro geologic data and information available or obtainable. However, the City retains the right to adjust the size and shape of the area according to its specific needs and goals. All delineations and subsequent changes must receive concurrence from the Arkansas Department of Health, Division of Engineering before final acceptance by the City.

If new data should become available pertinent to well yield, hydrogeology and water-bearing characteristics of the aquifer used, and this new data changes the size or shape of the original Wellhead Protection Area accepted by the City Council, then the City Council may deem by special vote or action the adjusted boundary to be the correct legal boundary of the Wellhead Protection Area.

SECTION 4. **Land to Which This Ordinance Applies**

This ordinance shall apply to all lands located within the delineated Wellhead Protection Area(s) as adopted by the City Council, and within the jurisdiction of the City of Mulberry. These lands were defined in the Arkansas Department of Health SOURCE WATER ASSESSMENT SUMMARY REPORT dated June 1, 2000.

SECTION 5. **Administration**

The policies and procedures for the administration of the Wellhead Protection Area(s) established in pursuance of this ordinance, including application, variances, enforcement, and penalties, shall be determined by the City Council or the pertinent legally appointed entity.

SECTION 6. **Severability**

It is hereby declared to be the intention of the City of Mulberry, that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining section, paragraphs, sentences, clauses, or phrases of this Ordinance since the same would have been enacted without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph, sentence, clause of phrase.

SECTION 7. **Conflict with Other Provisions**

In the event that any provision, standard, or requirement of this Ordinance is found to be in conflict with any provision of any other Ordinance or Code of the City, the provision which established the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents shall prevail.

SECTION 8. **Miscellaneous**

1. As used in this Ordinance, words importing the masculine gender include the feminine and neuter.
2. Words used in the singular in this Ordinance include the plural and words used in the plural include the singular.

This Wellhead Protection Ordinance shall be effective as of the date enacted and adopted.

ENACTED AND ADOPTED this 16th day of October, 2007.

Betty Feller, Mayor

ATTEST;

Jerry Dickerson, Recorder-Treasurer