

ORDINANCE 1418

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE TITLE 17 ZONING, BY ADDING A NEW CHAPTER 17.85 PROTECTION OF PUBLIC WATER SYSTEM SOURCES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO:

Section 1. Title 17 of the Payette Municipal Code is hereby amended by adding a new chapter 17.85 as follows:

**Chapter 17.85  
PROTECTION OF PUBLIC WATER SYSTEM SOURCES**

**17.85.010 PURPOSE**

The purposes of this ordinance include:

- A. Protecting the health, safety, and general welfare of the public.
- B. Fostering economic well-being derived from the availability of clean water.
- C. Minimizing public costs related to remediation, treatment, or replacement of the community water supply.
- D. Avoiding private costs and economic dislocation as a result of pollution of the public water supply.
- E. Providing effective and efficient means for processing administrative permits to implement this ordinance.

**17.85.020 Protection of Public Water System Sources**

Irrespective of the zoning designation applied to any land or land use governed by this ordinance, such zoning designation shall be subject to the limitations established by this section pursuant to the complementary ordinance of the City of Payette, which is intended to protect source water that supplies public water systems (PWS) within the City of Payette. By reference to the provisions and accompanying Source Water Protection overlay map that comprise Ordinance No.1417, the following requirements and limitations apply within any land-use zone:

- A. As respects the Inner Vulnerability Tier designated by Ordinance No.1417, the following uses are hereby prohibited:

1. Sanitary landfill.
2. Confined Animal Feeding Operation (CAFO) as defined by code or rule.
3. Hazardous Waste Storage or Disposal Facility as defined herein.
4. Injection wells (shallow and deep) except for closed systems, certified as such by a licensed professional engineer.
5. Existing sewer lines less than 100 feet from a PWS wellhead-serves as constraint on new well placement.
6. New sanitary sewer system components and sewer lines closer than 150 feet from a PWS wellhead.
7. Existing septic tanks or drain fields less than 100 feet from a PWS wellhead serves as constraint on new well placement.
8. Any newly installed septic tanks or drain fields less than 200 feet away from a PWS wellhead.
9. Junk or salvage yards as defined by this zoning ordinance.
10. Automobile or truck body/repair shops, gas stations, maintenance or fueling areas.
11. Petroleum manufacturing or processing facilities providing treatment or disposal of petroleum products including but not limited to waste oil, oil filters, and tires and all other petroleum products.
12. Oil and gas wells or drilling sites.
13. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer, or disposal of any hazardous solid or liquid material or waste that is not positively contained such that it cannot migrate into the earth, ground water, or surface water, thereafter presenting the potential impact of polluting ground water.

B. As respects the Intermediate Vulnerability Tier designated by Ordinance No.1417, the following uses are hereby prohibited:

1. Sanitary landfill.
2. CAFO as defined by code or rule.
3. Hazardous Waste Storage or Disposal Facility as defined herein.
4. Deep injection well (18 feet in depth or more), except when designed and used for geothermal heat, heat pump return flow, and uncontaminated cooling water return flow certified as such by a licensed professional engineer or other qualified professional including a public agency building inspector.
5. Shallow injection well (less than 18 feet in depth), if the depth to ground water is less than 25 feet. All shallow

injection wells shall use best management practice (BMP) options, such as those included in the most current version of DEQ's *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties*. The following injection wells are exempt: aquifer recharge flow, aquifer remediation-related well, and septic tank and drainfield systems permitted and constructed according to law.

6. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer, or disposal of any hazardous solid or liquid material or waste that is not positively contained such that it cannot migrate into the earth, ground water, or surface water, thereafter presenting the potential impact of polluting ground water.
7. Petroleum manufacturing or processing facilities providing treatment or disposal of petroleum products including but not limited to waste oil, oil filters, and tires and all other petroleum products.
8. Oil and gas wells or drilling sites.

C. As respects the Outer Vulnerability Tier designated by Ordinance No.1417 the following uses are hereby prohibited:

1. Sanitary landfill.
2. Hazardous Waste Storage or Disposal Facility as defined herein.
3. Deep injection well (18 feet in depth or more), except when designed and used for geothermal heat, heat pump return flow, and uncontaminated cooling water return flow certified as such by a licensed professional engineer or other qualified professional including a public agency building inspector.
4. Shallow injection well (less than 18 feet in depth), if the depth to ground water is less than 25 feet. All shallow injection wells shall use BMPs, such as those included in the most current version of DEQ's *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties*. The following injection wells are exempt: aquifer recharge flow, aquifer remediation-related well, and septic tank and drain [field systems permitted and constructed according to law.
5. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer, or disposal of any hazardous solid or liquid material or waste that is not positively contained such that it cannot migrate into the earth, ground water, or surface water, thereafter presenting the potential impact of polluting ground water.

6. Petroleum manufacturing or processing facilities providing treatment or disposal of petroleum products including but not limited to waste oil, oil filters, and tires and all other petroleum products.
7. Oil and gas wells or drilling sites.

D. Any such application denied a permit may seek an administrative authorization by demonstrating with clear and convincing evidence that the activity prohibited would pose no material risk of polluting the water source for a potentially affected PWS. Any decision on an administrative appeal may be heard before the City Council of the City of Payette.

**Section 2.** This Ordinance may be published in summary form allowed by Idaho Code.

**Section 3.** This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

**Section 4.** Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

**Section 5.** If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 21 day of November, 2016.

CITY OF PAYETTE, IDAHO

BY 

Jeffrey T. Williams, Mayor

ATTEST: 

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City Clerk