

SECTION 24. WELLHEAD PROTECTION OVERLAY DISTRICT (WPO)

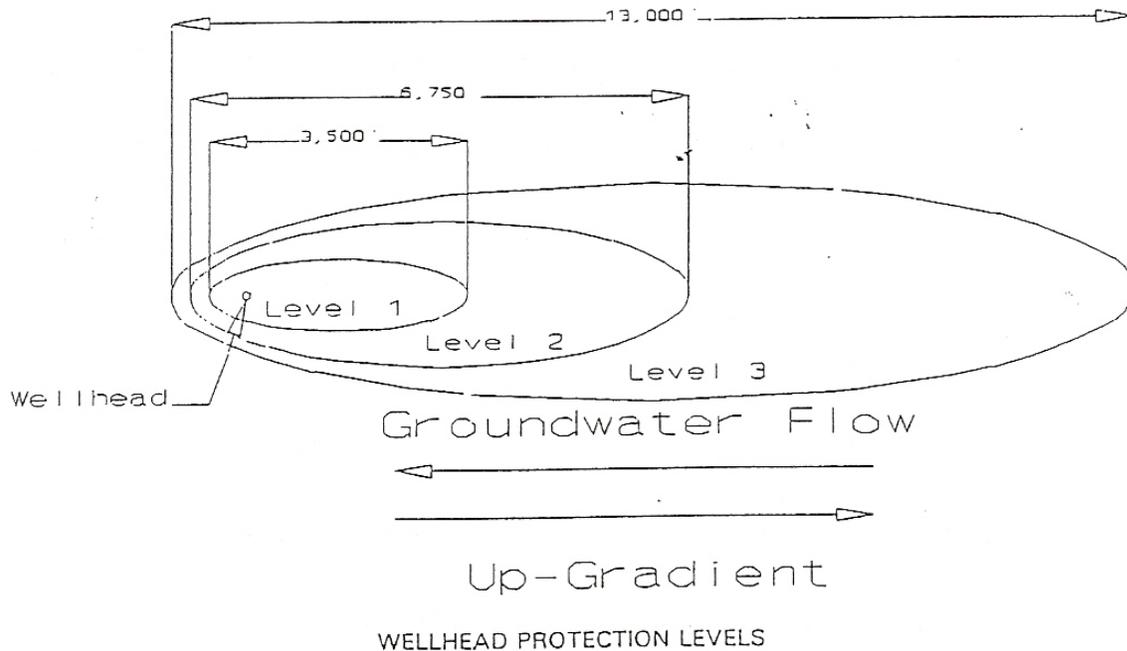
24.010 Purpose. To institute land use regulations and restrictions to protect the County's municipal water supply and well fields, and to protect the public health, safety, and general welfare of the residents of the Menominee County. The standards set out in this section shall apply in this district.

24.020 Jurisdiction. The total area to be regulated by this section shall include all lands which are within either/or:

- A. An ellipse with one focal point located on the municipal water system wellhead and the second focal point located eleven thousand (11,000) feet from the wellhead and up-gradient of the groundwater flow. The sum of the from the focal points to any point on the ellipse edge shall equal thirteen thousand (13,000) feet; or
- B. As adequate time of travel information becomes available and a twenty (20) year is delineated for a municipal water system wellhead, maps of which shall be kept on file in the zoning office.
- C. This section is not applicable to private, individual wells.

24.030 Establishment of Protection Levels. The areas within the jurisdiction of this section are divided into three (3) protection levels:

- A. Protection level three (3) shall incorporate (either/or):
 1. An elliptical area with one point located on the wellhead, and the second focal point located two thousand five hundred (2,500) feet from the wellhead and up-gradient of the groundwater flow. The sum of the distance from the focal points to any point on the ellipse edge shall equal three thousand five hundred (3,500) feet; or
 2. As adequate time of travel information becomes available and a five (5) year is delineated for a municipal water system wellhead, maps of which shall be kept on file in the zoning office.
- B. Protection Level two (2) shall incorporate (either/or):
 1. An elliptical area with one focal point located on the wellhead, and the second focal point located five thousand two hundred fifty (5,250) feet from the wellhead and up-gradient of the groundwater flow. The sum of the distances from the focal points to any point on the ellipse shall equal six thousand seven hundred fifty (6,750) feet; or
 2. As adequate time of travel information becomes available and a ten (10) year is delineated for a municipal water system wellhead, maps of which shall be kept on file in the zoning office.
- C. Protection level three (3) shall incorporate the area as defined in 24.010.



24.040 Protection Level One.

- A. Intent. Protection Level One is based on the approximate five (5) year time of travel for ground water. Protection level one is the primary area of the municipal well recharge area to be protected. These lands are subject to the most stringent land use and development restrictions because of their close proximity of the well field and the corresponding high threat of contamination.
- B. Permitted uses and structures. The following uses and structures are permitted uses within Protection Level One.
 1. Any permitted use and structure identified in the R-1, R-2, R-3, R-4, C-1, I-1, and CV-1 districts provided that the following are met:
 - a. No underground fuel storage tanks are associated with the use or structure.
 - b. The structure is connected to the municipal waste water treatment facility.
 2. Roads, provided that such roads have curbside drainage which leads away from the well.
 3. Silviculture activities, provided no pesticide or herbicide is used.
 4. Open space uses as defined in Section 2 (Rules and Definitions), provided such uses do not require motorized vehicles.
- C. Performance Standards. The following standards and requirements shall apply to all uses within Protection Level One:
 1. All residential, commercial, and institutional uses shall not use pesticides or herbicides to maintain a manicured lawn or grass.
 2. All above grade liquid petroleum storage tanks shall provide leak-proof

containment equal to one hundred twenty five percent (125%) of the tank volume.

3. The authority having jurisdiction shall assure that all abandoned wells shall be properly backfilled and sealed by using bentonite or other suitable materials approved by the U.S. Environmental Protection Agency guidelines within one (1) month of abandonment.

D. Prohibited Uses and Structures. Prohibited uses and structures within Protection Level One shall include, but not limited to the following:

1. Dwellings not connected to the municipal waste water treatment facility,
2. On-site, private sewage systems, such as septic systems,
3. Underground storage tanks,
4. Basement storage tanks without containment basins,
5. Agricultural activities,
6. Pesticide and/or fertilizer storage,
7. Septage and/or sludge spreading,
8. Manure spreading,
9. Animal waste confinement,
10. Livestock, kennels, or similar animal confinement,
11. Gas stations,
12. Automotive repair establishments, including municipal maintenance garages,
13. Printing and duplicating businesses,
14. Any manufacturing or industrial businesses,
15. Bus and/or truck terminals,
16. Landfills or solid waste transfer sites,
17. Waste water treatment facilities,
18. Junk yards and/or automobile salvage yards,
19. Asphalt products manufacturing,
20. Dry cleaning business,
21. Salt storage,
22. Electroplating facilities,
23. Exterminating businesses,
24. Paint and coating manufacturing,
25. Hazardous and toxic waste facilities,
26. Radioactive waste facilities,
27. Tire and battery services,
28. Automotive towing services and storage.

24.050 Protection Level Two.

- A. Intent. Protection Level Two is based on the approximate ten (10) year time of travel for ground water. Protection Level Two is the intermediate area of the municipal well recharge area to be protected. Land use restrictions within Protection Level Two are less restrictive than Protection Level One because of longer flow time and a greater opportunity for containment dilution and attenuation potential.
- B. Permitted Uses and Structures. The following uses are permitted within the Protection Level Two:
 1. All uses and structures listed as permitted uses and structures in Section 24.040(B),

2. Dwellings not connected to the municipal waste water treatment facility,
 3. Commercial and private uses connected to the municipal waste water treatment facility provided that such uses are not itemized in Section 24.050(D).
- C. Performance Standards. The following standards and requirements shall apply to all uses and structures within Protection Level Two.
1. All residential, commercial, institutional, and industrial uses shall be limited in using pesticide and fertilizers to establish a new manicured lawn or grass. Such use of pesticide and fertilizers shall not exceed two (2) years,
 2. All above ground liquid petroleum storage tanks shall provide leak-proof containment equal to one hundred twenty five percent (125%) of tank volume.
- D. Prohibited Uses and Structures. Prohibited uses and structures within Protection Level Two shall include, but not limited to, the following:
1. Underground storage tanks,
 2. Basement storage tanks without containment basins,
 3. Agricultural activities,
 4. Pesticide and/or fertilizer storage greater than a total of one hundred (100) pounds in weight,
 5. Septage and/or sludge spreading,
 6. Manure spreading,
 7. Animal waste confinement,
 8. Livestock, kennels, or similar animal confinement,
 9. Gas stations,
 10. Automotive repair establishments, including municipal maintenance garages,
 11. Printing and duplicating businesses,
 12. Bus and truck terminals,
 13. Landfills or solid waste transfer sites,
 14. Waste water treatment facilities,
 15. Junk yards and/or automotive salvage yards,
 16. Asphalt products manufacturing,
 17. Dry cleaning business,
 18. Electroplating facilities,
 19. Exterminating businesses,
 20. Paint and coating manufacturing,
 21. Hazardous and toxic waste facilities,
 22. Radioactive waste facilities,
 23. Tire and battery services,
 24. Automotive towing services.

24.060 Protection Level Three.

- A. Intent. Protection Level 3 is based on the approximate twenty (20) year time of travel for ground water. Protection level 3 is the largest area of the municipal well recharge area to be protected. Land restrictions within Protection Level 3 are less restrictive than either Protection Level 1 or Protection Level 2 because of the longer flow time and an even greater opportunity for containment dilution and attenuation potential.
- B. Permitted Uses and Structures. The following uses are permitted within the Protection Level 3:

1. All uses and structures listed as permitted uses and structures in Section 24.040(B)
 2. Dwellings not connected to the municipal waste water treatment facility.
 3. Commercial and industrial uses connected to the municipal waste water treatment facility provided that such uses are not itemized in Section 24.060(D).
- C. Performance Standards. The following standards and requirements shall apply to all uses and structures within Protection Level 3:
1. All residential, commercial, institutional, and industrial uses shall be limited in using pesticides and fertilizers to only one (1) time per year to maintain a manicured lawn or grass.
 2. All above ground liquid petroleum storage tanks shall provide leak-proof containment equal to one hundred twenty five percent (125%) of tank volume.
- D. Prohibited Uses and Structures. Prohibited uses and structures within Protection Level 3 shall include, but limited to, the following:
1. Underground storage tanks,
 2. Basement storage tanks without containment basins,
 3. Pesticide and/or fertilizer storage greater than a total of one hundred (100) pounds in weight,
 4. Septage and sludge spreading,
 5. Gas stations,
 6. Automotive repair establishments, including municipal maintenance garages,
 7. Any manufacturing or industrial businesses,
 8. Landfills or solid waste transfer sites,
 9. Junk yards and/or automotive salvage yards,
 10. Asphalt products manufacturing,
 11. Dry cleaning businesses,
 12. Electroplating facilities,
 13. Exterminating businesses,
 14. Paint and coating manufacturing,
 15. Hazardous and toxic waste facilities,
 16. Radioactive waste facilities,
 17. Tire and battery services,
 18. Automotive towing service and garage.

24.070 Extending the WPO District. If future technical research reveals that the time of travel data is insufficient to a particular municipal water system wellhead, the Protection Levels may be extended no more than an additional ten percent (10%) without a map amendment.