

RESOLUTION NO. 14-31

RESOLUTION REGARDING WELLHEAD
PROTECTION; AND DECLARING AN EMERGENCY

SECTION A: Authorization

WHEREAS, the City Council of Monticello, Arkansas has reviewed and examined the proposed Wellhead Protection Resolution as set out herein; and

WHEREAS, the City Council of Monticello, Arkansas has expressed the desires of the community it represents to protect as fully as it deems feasible its present and future sources of groundwater supply; now, therefore,

THE CITY COUSIL OF MONTICELLO, ARKANSAS,
DOES HEREBY ORDAIN THE FOLLOWING:

SECTION B: Statement of Purpose

It is the purpose of this Resolution to:

1. promote the public health, safety, and general welfare of the community(s).
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 resources of our state for future generations.

SECTION C: 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 Board of Directors and over the time period deemed reasonable and adequate for the City of Monticello. 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 D: 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 Board of Directors of the City of Monticello 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, Engineering Section before final acceptance by the city (town).

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 Board of Directors, then the Board of Directors may deem by special vote or action the adjusted boundary to be the correct legal boundary of the Wellhead Protection Area.

SECTION E: Land to Which This Resolution Applies

This resolution shall apply to all lands located within the delineated Wellhead Protection Area(s) as adopted by the Board of Directors.

SECTION F: Administration

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

SECTION G: Severability

It is hereby declared to be the intention of the Board of Directors of the City of Monticello, that the sections, paragraphs, sentences, clauses, and phrases of this Resolution 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 sections, paragraphs, sentences, clauses, or phrases of this Resolution since the same would have been enacted without the incorporation into this Resolution of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

SECTION H: Conflict with Other Provisions

In the event that any provision, standard, or requirement of this Resolution is found to be in conflict with any provision of any other Resolution or Code of the City of Monticello, 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 I: Miscellaneous

1. As used in this Resolution, words importing the masculine gender include the feminine and neuter.
2. Words used in the singular in this Resolution include the plural and words used in the plural include the singular.
3. An emergency is declared to exist and this resolution being necessary for the preservation of the public

peace, health and safety of the citizens of Monticello shall be in full force and effect from and after its passage.

(END OF RESOLUTION)

ADOPTED on this 07 day of October, 2014.



City Clerk-Treasurer