

US EPA ARCHIVE DOCUMENT

ORDINANCE NO. 2 2013

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 6, SECTION 9
BY THE INCLUSION OF SECTION 9-89
PROHIBITING THE INSTALLATION AND USE OF NEW WATER WELLS
WITHIN THE CITY OF ATTICA, INDIANA

WHEREAS, ground water existing beneath the ground of the City of Attica may contain certain volatile organic compounds, in some instances above U.S. EPA's maximum contaminant levels (MCLs) for those specific compounds; and

WHEREAS, the Common Council for the City of Attica finds that the public health, safety and welfare of the Attica residents is best protected by restricting installation or use of new water wells within the City of Attica; and

WHEREAS, a public water utility system is operated and maintained for the City of Attica that provides a safe and reliable water supply to customers throughout the entire City.

NOW, THEREFORE, be it ordained by the Common Council for the City of Attica as follows:

Section One: The term "water well" means any system used to extract ground water for human consumption or other use. The term does not include ground water wells used as part of an environmental investigation, monitoring or remediation project.

Section Two: Beginning on the effective date of this Ordinance, the installation or use of any new water well at any property within the City of Attica is prohibited.

Section Three: No person, including any corporation, partnership or association, shall use, drill, or otherwise install any new water well within the City of Attica in violation of this Ordinance.

Section Four: Nothing in this Ordinance shall be construed as requiring Attica or any public water utility to install or provide any water improvements or service to any person or premises that are not otherwise currently in existence at the time of passage of this Ordinance.

Section Five: Violations of this Ordinance shall subject the Violator to the provisions of Section 1-17 of the Attica City Code. In addition, the City may seek to enjoin the violation of the provisions of this Ordinance in a Court of competent jurisdiction. Each day that such person continues to operate or maintain any such water well shall be a separate violation.

Section Six: Pursuant to Indiana Code § 36-1-6-11, Attica must give written notice to the Indiana Department of Environmental Management (IDEM) of the adoption of this Ordinance within thirty (30) days of its passage. The City is hereby ordered to provide such notice to IDEM at the following address:

IDEM, Office of Land Quality
Remediation Services Branch
Attn: Branch Chief
100 N. Senate Avenue
MC66-22
Indianapolis, Indiana 46204-2251

Section Seven: In addition, and also pursuant to Indiana Code § 36-1-6-11, the City must give written notice to IDEM no later than sixty days before Attica would either amend or repeal this Ordinance. Accordingly, this Ordinance provides that such notice be timely provided in the event the City ever seeks to amend or repeal this Ordinance. If this Ordinance is subsequently amended or repealed, Attica must further provide written notice to IDEM of such repeal or amendment. Attica is hereby ordered to provide such written notices as may be required by Section 7.

Section Eight: This Ordinance shall become effective upon its final passage by the Attica City Council.

This Ordinance was adopted by the Common Council for the City of Attica, Indiana, this 11 day of March, 2013, by a vote of 5 for and 0 against.

Valerie S. Maus
Sponsoring Council Member

ATTEST:

Susan Stoll
Susan Stoll, Clerk-Treasurer

Robert Shepherd
Robert Shepherd, Mayor

ATTEST:

Susan Stoll
Susan Stoll, Clerk-Treasurer