

INTRODUCED BY: Eric L. Buckson
DATE INTRODUCED: December 14, 2010
PUBLIC HEARING DATE: January 25, 2011
PUBLIC HEARING TIME: 7:15 p.m.
ADOPTION DATE: January 25, 2011
EFFECTIVE DATE: Upon Adoption

Ordinance 11-04
Wellhead Protection Buffers

An Ordinance to amend Kent County Code, Vol. II, Chapter 187 Subdivision and Land Development, effective June 10, 2003, as amended, Article XI, Design Requirements and Standards to add a new section establishing buffer requirements for public water supply wells.

NOW, THEREFORE, THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1: That the Kent County Code, Vol. II, Chapter 187 Subdivision and Land Development, effective June 10, 2003, as amended, Article XI, Design Requirements and Standards is hereby amended by adding the following underlined language:

§ 187-79.1. Wellhead Protection Buffers

- A. No buildings, structures, or paved surfaces shall be permitted to be constructed nearer than 150 feet to a public drinking water supply well, except that buildings and access associated with the well and related fencing, treatment, water storage, and distribution facilities shall be permitted.
- B. The natural runoff flowing into and through the 150-foot wellhead buffer shall be allowed and all new stormwater runoff shall be diverted around the buffer.
- C. Between 150 and 300 feet of a public drinking water supply well, stormwater from new development shall be treated using water quality best management practices in accordance with current requirements of the *Delaware Sediment and Stormwater Regulations* dated October 11, 2006 or as later revised.
- D. A public drinking water supply well is any well from which the water is used to serve a community water system by Section 22.146 (Public Water Systems) in the Delaware State Regulations Governing Public Drinking Water Systems.

- E. Maps prepared by the Delaware Department of Natural Resources and Environmental Control delineating applicable wells in accordance with 7 Del. Code § 6082(b) and 9 Del. Code § 4956(g)(4), and which may be updated from time to time in accordance with 7 Del. Code § 6082(e) and (f), are available in the office of the Department of Planning Services.
- F. The following are exempt from these buffer standards:
1. Private residential wells serving individual households;
 2. Wells used for agricultural purposes;
 3. The replacement of any existing public water supply well that was not required to meet the wellhead protection requirement at the date of its original installation and has failed shall be exempt from meeting this wellhead protection requirement provided that the replacement well is drilled at a distance not to exceed ten (10) feet from the original well;
 4. Minor subdivisions;
 5. Recorded subdivisions;
 6. Revisions to recorded subdivision plans that do not result in the creation of additional lots;
 7. Minor changes or alterations to approved site plans in accordance with § 187-42 of this Code;
 8. Improvements to existing residential lots, including additions to existing one-family dwellings, the placement of sheds, and fences;
 9. Subdivision and land development projects, conditional use site plans, and site plans for which a pre-application has been conducted and conditional use site plans for water supply in an existing recorded subdivision; and
 10. Any non-motorized recreational facilities, including but not limited to pavilions, walking trails, playgrounds, etc.

Section 2. Severability.

The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Section 3. Effective Date.

This ordinance shall become effective upon the date of adoption and shall be applicable to all subdivision and land development proposals for which a pre-applications conference has not been conducted.

ADOPTED BY THE LEVY COURT OF KENT
COUNTY, DELAWARE



President, Kent County Levy Court

This 25th day of January, 2011

ATTEST: 

Clerk of the Peace

Synopsis: This ordinance establishes buffer requirements for public water supply wells in order to better protect the drinking water supply.