

For:  
Introduction: 3/6/23  
Public hearing: N/A  
Adoption: \_\_\_\_\_  
Effective: \_\_\_\_\_

**THE TOWN OF MOUNT AIRY, MARYLAND**

**ORDINANCE NO. 2023-9**

**AN ORDINANCE TO AMEND PART II OF THE TOWN CODE ENTITLED “GENERAL LEGISLATION”, CHAPTER 109 ENTITLED “WATER”, ARTICLE I ENTITLED “WATER SERVICE”, SECTION 109-4 ENTITLED “WELLS”, ARTICLE V ENTITLED “WELLHEAD PROTECTION”, SECTION 109-33 ENTITLED “PROHIBITED USES”; CHAPTER 110 ENTITLED “WATER RESOURCE MANAGEMENT”, SECTION 110-1 ENTITLED “ADOPTION OF COUNTY PROVISIONS”, SECTION 110-2 ENTITLED “AMENDMENT OF COUNTY PROVISIONS”, THE ADOPTION OF A NEW SECTION 110-3 WHICH SHALL BE TITLED “CONFLICTING PROVISIONS – STRICTER PROVISIONS TO CONTROL” WITH CURRENT SECTION 110-3 ENTITLED “ENFORCEMENT” BEING REENACTED AND RENUMBERED AS SECTION 110-4 ENTITLED “ENFORCEMENT” WITHOUT SUBSTANTIVE CHANGE, FOR THE PURPOSES OF UPDATING CARROLL COUNTY CODE REFERENCES, TO SET MINIMUM STANDARDS FOR DEDICATION AND ACCEPTANCE OF WATER SUPPLY WELLS BY THE TOWN, AND TO ENACT OTHER MEASURES FOR WELLHEAD AND WATER RESOURCE PROTECTION AND SAFETY**

**WHEREAS**, the Town Council is charged with ensuring an adequate supply of water that is safe to drink and for daily activities by its residents and businesses; and

**WHEREAS**, to ensure the residents of the Town an adequate water supply of water as the Town develops; and

**WHEREAS**, to ensure the finances of the Water and Sewer Fund are not negatively impacted by accepting a water supply well; and

**WHEREAS**, some of the Town Code provisions cross reference outdated citations to the Carroll County Code, which should be corrected; and

**WHEREAS**, the Mayor and Town Council have determined it to be in the best interests of the Town to enact and put into Town Code the measures that follow in order establish minimum standards for dedication and acceptance by the Town of water supply wells, and wellhead and water resource protection and safety, and to update Town Code references to the Carroll County Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:**

Section 1: That Part II, Chapter 109, Article I of the Code of the Town of Mount Airy be and is hereby amended to repeal and reenact with amendments Sections 109.4 and 109-19.2 as follows:

**109-4. Wells.**

- A. Whenever water connection is provided for a property previously served by a well, the well shall be examined to determine whether it is polluted or will be a menace to health. Should such well be found to be polluted or a menace to health, it shall be abandoned and closed in a manner satisfactory to the Building Inspector.
- B. No well for household use shall be constructed on a property accessible to a public water main.
- C. No water supply well may be dedicated to and accepted by the Town unless the well has been proven to yield at least 75,000 gallons per day (GPD) as determined by a thirty (30) consecutive day well test, or its equivalent as designed or approved by the Town Engineer. The Town Council may waive the GPD requirements for a well in this section via a super majority vote if the lesser yield has been proven achievable and sustainable via the well testing requirements in this section.
- D. During testing of a well as mentioned in Section 109-4(C) above any existing public or privately owned water supply well within 1500 feet of the well(s) being tested shall be consecutively monitored for any adverse impacts.
- E. Prior to a well with a lower GPD requirement being accepted by the town, it needs to be proven there are no negative impacts related to the Water and Sewer Fund capital and operational costs.

\* \* \*

Section 2: That Part II, Chapter 109, Article V of the Code of the Town of Mount Airy be and is hereby amended to repeal and reenact with amendments Sections 109-33 as follows:

**§ 109-33. Prohibited uses.**

The following uses are prohibited unless allowed as conditional uses under § 109-34:

- A. Bulk storage of hazardous materials, except the following:

(1) Materials needed for normal household use, outdoor maintenance and heating of a structure;

- (2) Waste oil retention facilities required by statute, rule or regulation;
- (3) Materials needed for emergency generators; or
- (4) Materials used in water treatment plants.

B. Junkyards.

C. Metal plating establishments.

D. Open burning sites and dumps.

E. Quarries and mining operations.

F. Sanitary landfills and rubble fills.

G. Uses which involve, as a principal activity, the manufacture, storage, use, transport or disposal of hazardous materials.

H. Uses which involve hazardous materials in quantities greater than those associated with normal household use.

I. Underground pipelines carrying hazardous materials other than as permitted by the State of Maryland or in interstate commerce.

J. Any improvement, construction, or development, including paving within a 340- foot x 340-foot buffer zone, with the wellhead as the center.

K. No water supply well shall be closer than 340 feet to any other well.

Section 3: That Part II, Chapter 110 of the Code of the Town of Mount Airy is hereby amended to repeal and reenact with amendments Sections 110-1, 110-2 and 110-3, and enact of new Section 110-4 as follows:

**§ 110-1. Adoption of county provisions.**

The Carroll County Water Resource Management Ordinance, known as Chapter ~~218~~ 154 of the Carroll County Code of Public Local Laws and Ordinances, adopted by the County Commissioners of Carroll County, including all amendments thereto, shall be automatically the Town of Mount Airy Water Resource Management Ordinance without the necessity of further action on the part of the Town of Mount Airy except as delineated below.

**§ 110-2. Amendment of county provisions.**

Page 3 of 5– *Ordinance 2023-9 – enacting standards for dedication of water supply wells and wellhead and water resource protection and safety, and to update Carroll County Code references – for introduction on 3/6/23*

Section ~~218-2~~ 154.02 of the Carroll County Water Resource Management Ordinance, known as Chapter 218 154 of the Carroll County Code of Public Local Laws and Ordinances, shall be: amended for application within the Town of Mount Airy to provide that the following term shall mean:

**COUNTY**

The Board of Commissioners of Carroll County, and the Town Council of the Town of Mount Airy, or its designee.

**§ 110-3. ~~Enforcement~~ Conflicting provisions – stricter provisions apply.**

The Mayor of the Town of Mount Airy is hereby authorized to enter into agreement with the County Commissioners of Carroll County, a body corporate and politic, with respect to enforcement of the Water Resource Management Ordinance hereby adopted. In the event of a conflict between the Town Code and the Carroll County Water Resource Management Ordinance, known as Chapter 154 of the Carroll County Code of Public Local Laws and Ordinances, and/or the Carroll County Water Resource Management Manual, the stricter provision shall apply.

**§ 110-4. Enforcement.**

The Mayor of the Town of Mount Airy is hereby authorized to enter into agreement with the County Commissioners of Carroll County, a body corporate and politic, with respect to enforcement of the Water Resource Management Ordinance hereby adopted.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect on the \_\_\_ day of \_\_\_\_\_, 202\_ (upon expiration of 20 calendar days following approval by the Mayor or passage by the council over his veto by 4/5ths of the whole Council).

Introduced the 6<sup>th</sup> day of March, 2023.

Enacted this \_\_\_ day of \_\_\_\_\_, 202\_ by a vote of \_\_ in favor and \_\_\_ opposed

ATTEST:

\_\_\_\_\_  
Pamela Reed, Secretary

\_\_\_\_\_  
Jason Poirier  
President of the Town Council

Approved this \_\_\_\_ day of \_\_\_\_\_, 202\_.

ATTEST:

\_\_\_\_\_  
Pamela Reed, Secretary

\_\_\_\_\_  
Larry Hushour, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY. This \_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Thomas V. McCarron, Town Attorney