

**CITY OF ST. MARYS, OHIO  
DRINKING WATER SOURCE PROTECTION PLAN**

**Appendix A**

**City of St. Marys  
Groundwater Protection Overlay District  
Zoning Regulations Ordinance**

**City of St. Marys  
Groundwater Protection Team Ordinance**

**CITYOF ST. MARYS, OHIO**  
**CHAPTER 934**  
**Groundwater Protection Overlay District**

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CROSS REFERENCES

Flood control - see BLDG. Ch. [1329](#)

**934.01 PURPOSE AND INTENT.**

(a) The jurisdiction of the City of St. Marys, Ohio recognizes that many residents rely on groundwater for their safe drinking water supply, and that certain land uses can contaminate groundwater. To ensure the protection of these drinking water supplies, this chapter establishes a zoning overlay district to be known as the City of St. Marys Groundwater Protection Overlay District.

(b) The purpose of the City of St. Marys Groundwater Protection Overlay District is to protect public health and safety by minimizing contamination of aquifers and preserving and protecting existing and potential sources of drinking water supplies. It is the intent to accomplish this through both public education and public cooperation, as well as by creating appropriate land use regulations that may be imposed in addition to those currently imposed by existing zoning districts or other county regulations.

(c) The City of St. Marys Groundwater Protection Overlay District is superimposed on current zoning districts and shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities/uses allowed in a portion of one of the underlying zoning districts which fall within the City of St. Marys Groundwater Protection Overlay District must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the City of St. Marys Groundwater Protection Overlay District.

(Ord. 2012-29. Passed 8-13-12.)

**934.02 DEFINITIONS.**

For the purposes of this Chapter, the following terms are defined below:

- (a) AQUIFER. A geological formation, group of formations or part of a formation composed of rock, sand or gravel capable of storing and yielding groundwater to wells and springs.
- (b) CONTAMINATION. An impairment of water quality by chemicals, radionuclides, biologic organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of water.
- (c) DEVELOPMENT. The carrying out of any construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.
- (d) FACILITY. Something that is built, installed, or established for a particular purpose.
- (e) GREY WATER. All domestic wastewater except toilet discharge water.
- (f) GROUNDWATER PROTECTION OVERLAY DISTRICT. The zoning district defined to overlay other zoning districts in the groundwater protection area of the City of St. Marys, Ohio. This district includes all areas within established 1-year and 5-year time-of-travel distances mapped around all the public water supply well(s), as shown on the attached map, which becomes a part of this chapter. If the City of St. Marys determines that the groundwater protection overlay district must be modified due to changes in wells, well locations, well pumping rates, or other factors, a modified map shall be developed and shall become a part of this chapter.
- (g) HAZARDOUS MATERIAL. A material which is defined in one or more of the following categories:
  - (1) IGNITABLE: A gas, liquid or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorous and gasoline.

(2) **CARCINOGENIC:** A gas, liquid, or solid which is normally considered to be cancer causing or mutagenic.

Examples: PCB's in some waste oils.

(3) **EXPLOSIVE:** A reactive gas, liquid or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combinations thereof. Examples: dynamite, organic peroxides and ammonium nitrate.

(4) **HIGHLY TOXIC:** A gas, liquid, or solid so dangerous to man as to afford an unusual hazard to life. Example: chlorine gas.

(5) **MODERATELY TOXIC:** A gas, liquid or solid which through repeated exposure or in a single large dose can be hazardous to man.

(6) **CORROSIVE:** Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

(h) **PRIMARY CONTAINMENT FACILITY.** A tank, pit, container, pipe or vessel of first containment of a liquid or chemical.

(i) **RELEASE.** Any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material.

(j) **SECONDARY CONTAINMENT FACILITY.** A second tank, catchment pit, pipe, or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area; monitoring and recovery are required.

(k) **SPILL RESPONSE PLANS.** Detailed plans for control, recontainment, recovery, and cleanup of hazardous material releases, such as during fires or equipment failures.

(l) **STORMWATER TREATMENT PRACTICES (STPs).** Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

(m) **TIME-OF-TRAVEL DISTANCE.** The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer.

(Ord. 2012-29. Passed 8-13-12.)

### **934.03 ZONES WITHIN THE GROUNDWATER PROTECTION OVERLAY DISTRICT.**

(a) **Zone 1 - Drinking Water Critical Impact Zone.** Zone 1 is defined as the area within the 1-year time-of-travel distance mapped around all the public water supply well(s).

(1) **Encouraged uses.** The following uses are encouraged within Zone 1 provided they meet the appropriate performance standards outlined in subsection (a) (3) below and are designed so as to prevent any groundwater contamination.

A. Parks, greenways, or publicly-owned recreational areas such as foot, bicycle and/or horse paths, and bridges.

B. Necessary public utilities/facilities including the construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, and treatment facilities.

C. Conservation efforts for soil, water, plants, and wildlife;

(2) **Special exceptions.** The following uses are permitted only under the terms of a special exception and must conform to provisions of the underlying zoning district and meet the performance standards outlined in subsection (b) (3).

A. Expansion of existing nonconforming uses to the extent allowed by the underlying district. The applicant should consult the local zoning plan to confirm nonconforming uses. The City of St. Marys reserves the right to review all applications and shall not grant approval unless it finds such expansion does not pose greater potential contamination of groundwater than the existing use.

(Ord. 2013-22. Passed 7-8-13.)

(3) **Prohibited uses.** The following uses, unless granted a special exception, are prohibited within Zone 1, the 1-year time-of-travel zone.

A. Automobile body/repair shop;

B. Gas station;

C. Fleet/trucking/bus terminal;

D. Dry cleaner;

E. Electrical/electronic manufacturing facility;

F. Machine shop;

G. Metal plating/finishing/fabricating facility;

H. Chemical processing/storage facility;

I. Wood preserving/treating facility;

J. Junk/scrap/salvage yard;

K. Mines/gravel pit;

L. Irrigated nursery/greenhouse stock;

- M. Confined animal feeding operations;
- N. Land divisions resulting in high density (> 1 unit/acre) septic systems;
- O. Equipment maintenance/fueling areas;
- P. Injection wells/dry wells/sumps, except for single-family residences directing gutter downspouts to a drywell;
- Q. Underground storage tanks, (except those with spill, overflow, and corrosion protection requirements in place);
- R. All other facilities involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste having potentially harmful impact on groundwater quality; and,
- S. All uses not permitted in the underlying zone district.

(b) Zone 2 - Drinking Water Potential Impact Zone. Zone 2 is established as the remainder of the Groundwater Protection Overlay District not included in Zone 1, but deemed necessary to ensure adequate protection of public drinking water supplies. This area is referred to as the 5-year time-of-travel distance mapped around all the public water supply well(s).

(1) Permitted uses: All uses permitted in the underlying zoning districts provided that they can meet the Performance Standards as outlined for the Groundwater Protection Overlay District.

(2) Special exceptions: All special exceptions allowed in underlying districts may be approved by the City of St. Marys provided they can meet performance standards outlined for the Groundwater Protection Overlay District.

(3) Performance standards: The following standards shall apply to uses in Zones 1 and 2 of the Groundwater Protection Overlay District:

A. Any facility involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or wastes, unless granted a special exception either through permit or another ordinance, must have a secondary containment system which is easily inspected and whose purpose is to intercept any leak or release from the primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and inspectible sumps.

B. Open liquid waste ponds containing materials referred to in subsection (b) (3) A. hereof will not be permitted without a secondary containment system.

C. Storage of petroleum products in quantities exceeding 100 gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks must have a secondary containment system noted in subsection (b)(3)A. hereof where it is deemed necessary by the Director of Public Service and Safety.

D. All permitted facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous waste materials.

E. An acceptable contingency plan for all permitted facilities must be prepared for preventing hazardous materials from contaminating the aquifer should floods, fire, or other natural catastrophes, equipment failure, or releases occur:

1. For flood control, all underground facilities shall include but not be limited to a monitoring system and secondary standpipe above the 100 year flood control level, for monitoring and recovery. For above ground facilities, an impervious dike, above the 100 year flood level and capable of containing 100 percent of the largest volume of storage, will be provided with an overflow recovery catchment area (sump).

2. For fire control, plans shall include but not be limited to a safe firefighting procedure, a fire retarding system, effective containment of any liquid runoff, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are pipes, liquids, chemicals, or open flames in the immediate vicinity.

3. For equipment failures, plans shall include but not be limited to: Below ground level, removal and replacement of leaking parts, a leak detection system with monitoring, and an overflow protection system. Above ground level, liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.

4. For any other release occurring, the owner and/or operator shall report all incidents involving liquid or chemical material to the Groundwater Protection Coordinator designated by the City of St. Marys.

5. Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells shall be properly plugged according to local and state regulations.

(Ord. 2012-29. Passed 8-13-12.)

#### **934.04 LIABILITY.**

Nothing in this chapter shall be construed to imply that the City of St. Marys has accepted any of an owner/developer's liability if a permitted facility or use contaminates groundwater in any aquifer.

(Ord. 2012-29. Passed 8-13-12.)

#### **934.05 DISTRICT BOUNDARY DISPUTES.**

If the location of the City of St. Marys Groundwater Protection Overlay District boundary in relation to a particular parcel is

in doubt, resolution of boundary disputes shall be through a Special Permit application. The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the district with respect to their individual parcel(s) of land should be located. If the owner(s) request that the local government agency determine more accurately the boundaries of the district with respect to individual parcels of land, the agency may engage a professional engineer, hydrologist, geologist, or soil scientist and charge the owner(s) for the cost of the investigation.

(Ord. 2012-29. Passed 8-13-12.)

#### **934.06 ENFORCEMENT.**

##### **(a) Civil Enforcement:**

(1) Any person may submit a verbal or written complaint alleging a violation of this chapter.

(2) Upon receipt of a complaint, the jurisdiction shall conduct a brief investigation of the substances of the complaint, including a meeting with the landowner involved.

(3) Based upon the determination that there is a violation of this chapter, the jurisdiction shall conduct an informal reconciliation with the violator. As part of such informal reconciliation, the jurisdiction shall:

A. Notify the violator by mail of the violation of this chapter and a desire of the jurisdiction to correct the violation through informal reconciliation. The statement shall also indicate that should the violator refuse to allow the recommended corrective actions within the time set forth by the jurisdiction, action may be taken to correct the violation and the violator will be billed for the cost of taking the corrective action.

B. Make a good faith effort to meet the violator and resolve/correct the violation.

(4) If after taking the steps above and after a period of 30 days following the mailing of the notice of the violation, the jurisdiction in good faith determines that the violator is unwilling to participate in informal reconciliation and take the corrective actions prescribed, the jurisdiction shall notify the violator by mail of the termination of the informal reconciliation.

(5) The jurisdiction may take corrective actions deemed necessary following 15 days after notifying violator by mail of the notice of termination of the informal reconciliation, and bill the violator for the reasonable cost of such action.

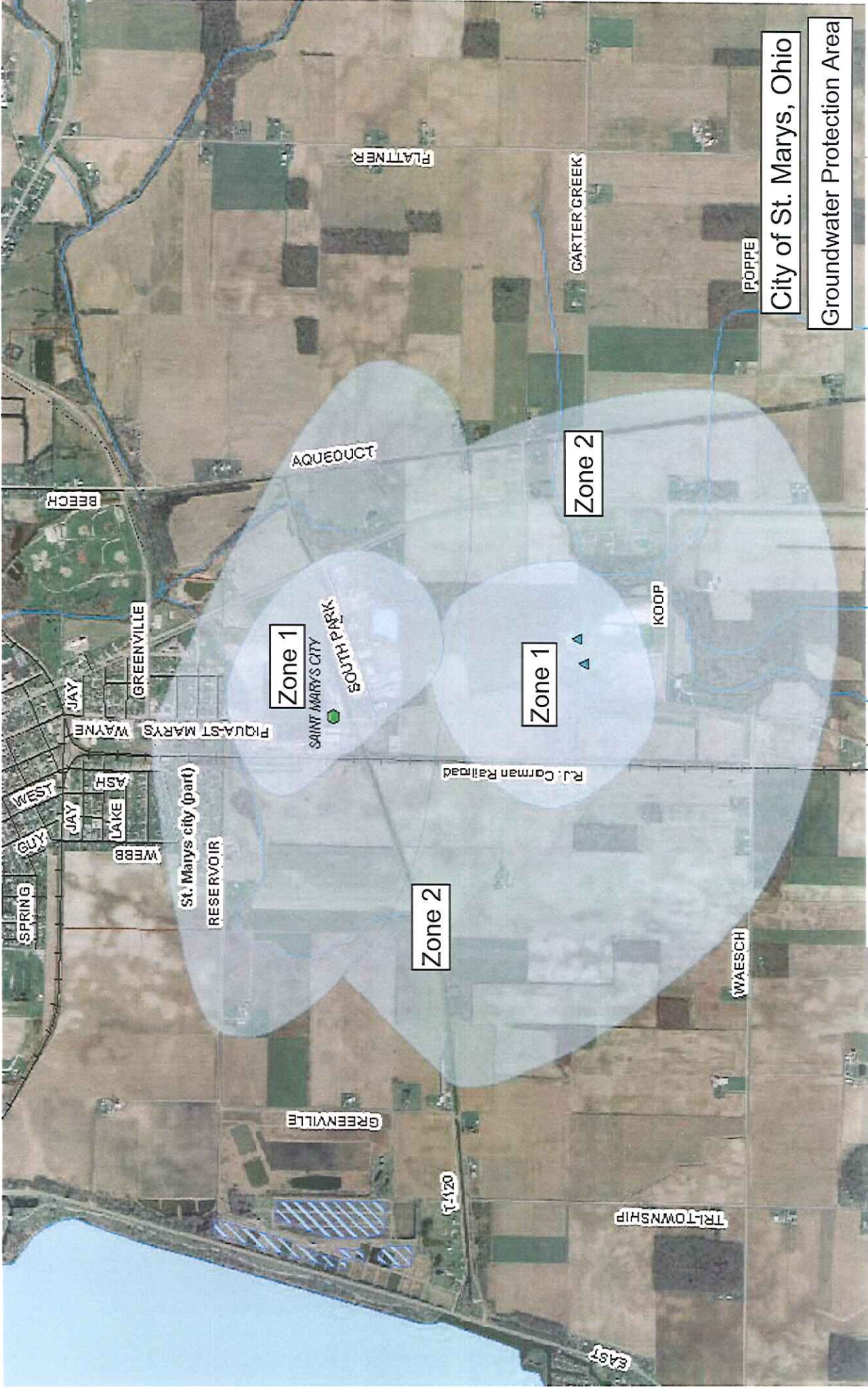
(b) Criminal Enforcement: In lieu of civil enforcement proceeding, a person who is alleged to have violated this chapter may be prosecuted for the commission of a crime. Violation of this ordinance is a first degree misdemeanor.

(Ord. 2012-29. Passed 8-13-12.)

#### **934.07 SAVING CLAUSE.**

Should any section or provision of this chapter be declared invalid, such decision shall not affect the validity of this chapter as a whole or any other part thereof. A determination that any portion or provision of this Overlay Protection District is invalid shall not invalidate any special permit previously issued thereunder.

(Ord. 2012-29. Passed 8-13-12.)



City of St. Marys, Ohio

Groundwater Protection Area

Zone 1

Zone 1

Zone 2

Zone 2

FLATTNER

GARTER CREEK

ROPPPE

AQUEDUCT

BEECH

KOOP

SAINT MARYS PARK

Zone 1

PIQUA-ST MARYS WAYNE

R.J. Carman Railroad

St. Marys city (part)  
RESERVOIR

WEST

ASH

GUY

JAY

LAKE

WEBB

SPRING

WAESCH

GREENVILLE

T-120

TR-TOWNSHIP

EAST



ORDINANCE NO. 2013-39

AN ORDINANCE AUTHORIZING THE CREATION OF A  
GROUNDWATER PROTECTION TEAM

WHEREAS, the Ohio Environmental Protection Agency has previously required the City to enact zoning for a Groundwater Protection Program; and

WHEREAS, pursuant to said Groundwater Protection Program it is necessary to create a local Protection Team to monitor the implementation of the Groundwater Protection Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF ST. MARYS, OHIO:

SECTION 1. That Council hereby authorizes the creation of a Drinking Water Source Protection Team to develop and implement the Drinking Water Source Protection Plan as previously adopted by Council.

SECTION 2. The Team shall consist of ten persons who shall be as follows:

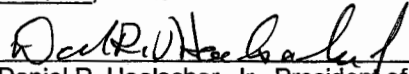
1. Superintendent of Water & Wastewater
2. Fire Chief of the City of St. Marys
3. Fire Chief of St. Marys Township
4. Auglaize County EMA Director
5. Representative of St. Marys Council, as designated by the President of Council.
6. Representative of St. Marys Township Trustees
7. An industrial representative to be appointed by the Mayor
8. A commercial representative to be appointed by the Mayor
9. An agricultural representative to be appointed by the Mayor
10. A Representative designated by the Auglaize County Commissioners

SECTION 3. The Superintendent of Water & Wastewater shall be the chairman of the team and shall be responsible for calling meetings of the team.

SECTION 4. This Council shall be responsible for making recommendations to Council for implementing drinking water protection strategies, education of all stakeholders for drinking water resources, and for outreach all for the maintenance of the St. Marys Groundwater Monitoring Area as designated in Amended Ordinance 2012-29.

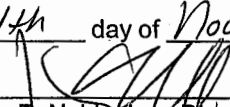
SECTION 5. That this ordinance shall take effect at the earliest date provided by law.

Passed this 11<sup>th</sup> day of November, 2013.

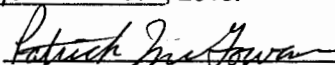
  
Daniel R. Hoelscher, Jr., President of Council

ATTEST:  
  
Deb Kable, Clerk of Council

Approved by the Law Director this 11<sup>th</sup> day of November, 2013.

  
Kraig E. Noble, Law Director

Approved this 11<sup>th</sup> day of November, 2013.

  
Patrick McGowan, Mayor