

## **RIGGINS CITY ORDINANCE NO. 207**

AN ORDINANCE OF THE CITY OF RIGGINS, IDAHO COUNTY, IDAHO, KNOWN AS THE RIGGINS SURFACE WATER PROTECTION ORDINANCE; PROVIDING FOR ENFORCEMENT WITHIN THE RIGGINS CITY LIMITS; AND, PROVIDING FOR THE ORDINANCE BECOMING EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF RIGGINS, IDAHO COUNTY, IDAHO, AS FOLLOWS, TO WIT:

**Section 1. Purpose and Intent:** The City of Riggins recognizes that certain land uses have the potential to contaminate surface water that that many residents rely upon for their safe drinking water supply, recreation, and business activities. To ensure the protection of local water supplies, this ordinance is established to protect public health and safety by minimizing contamination of surface water in the City of Riggins. 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 other regulations.

**Section 2. Definitions:** For the purposes of this section, 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) **HAZARDOUS MATERIAL:** A material which is defined in one or more of the following categories:

*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.

*Carcinogenic:* A gas, liquid or solid which is normally considered to be cancer causing or mutagenic. Examples: PCB's in some waste oils.

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

*Highly Toxic:* A gas, liquid, or solid so dangerous to man as to afford an unusual hazard to life. Example: chlorine gas.

*Moderately Toxic:* A gas, liquid or solid that through repeated exposure or in a

single large dose can be hazardous to man.

*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.

g) PRIMARY CONTAINMENT FACILITY: A tank, pit, container, pipe or vessel of first containment of a liquid or chemical.

h) RELEASE: Any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material.

i) 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.

j) SPILL RESPONSE PLAN: Detailed plans for control, recontainment, recovery, and cleanup of hazardous material releases, such as during fires or equipment failures.

k) 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 storm water runoff and water bodies.

**Section 3. REGULATED ACTIVITIES:** The following activities are hereby regulated as follows in the City of Riggins:

a) Any facility constructed after the adoption of this ordinance 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 variance, 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 inspectable sumps.

b) Any facility involving the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous material shall develop a contingency plan for preventing hazardous materials from contaminating any surface water in the City of Riggins should floods, fire, or other natural catastrophes, equipment failure or release occur.

c) No individual shall cause or permit any hazardous material as defined herein, or other prohibited substance, including the following named substances, to be released into the City-maintained storm drain system:

- Used motor oil;
- Petroleum products;
- Antifreeze or vehicle fluid;
- Domestic sewage, septic system waste, grease trap waste, or grit trap waste;
- Wastewater from a commercial car wash or maintenance facility;
- Runoff or wash-down from animal pens or livestock areas;
- Paint or grease/rust solvents;
- Adhesives;
- Commercial drain cleaning products;



- Herbicides, pesticides, fungicides, and wood preservatives;
  - Animal waste or byproduct;
  - Kitty litter.
- d) Open liquid waste ponds containing hazardous material will not be permitted without a secondary containment system.
- e) Any facility constructed after the adoption of this ordinance involved in the storage of petroleum products in quantities exceeding 100 gallons at one locality in any one tank or series of tanks must have a secondary containment system.
- f) High-flow nozzles on diesel dispensers are prohibited.
- g) All permitted facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous material.
- h) The owner or operator of any facility shall report all incidents involving the release of any hazardous material within 24 business hours to the Riggins City Clerk.
- i) The property owner shall properly plug any abandoned well according to local and state regulations.

**Section 4. LIABILITY:** Nothing in this ordinance shall be construed to imply that the City of Riggins has accepted any liability if a permitted facility or use contaminates any groundwater.

**Section 5. ENFORCEMENT:**

**5.1 CIVIL ENFORCEMENT:**

- a) Any person may submit a verbal or written complaint alleging a violation of this ordinance to the City of Riggins.
- b) Upon receipt of a complaint, the City of Riggins shall conduct a brief investigation of the substances of the complaint, including a meeting with the landowner/operator involved.
- c) Based upon the determination by the City of Riggins that there is a violation of this ordinance, the City of Riggins shall conduct an informal reconciliation with the violator. As part of such informal reconciliation, the City of Riggins shall:
- (1) Notify the violator by mail of the violation of this ordinance and a desire of the City of Riggins 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 City of Riggins, action may be taken to correct the violation and the violator will be billed for the cost of taking the corrective action.
  - (2) Make a good faith effort to meet the violator and resolve/correct the violation.
- d) If after taking the steps above and after a period of 14 days following the mailing of the notice of the violation, the City of Riggins in good faith determines that the violator is unwilling to participate in informal reconciliation and take the corrective actions prescribed, the City of Riggins shall notify the violator by mail of the termination of the informal reconciliation.
- e) The City of Riggins may take corrective actions deemed necessary following 3 days after notifying the violator by mail of the notice of termination of the informal reconciliation. Violator will be held responsible and billed for any and all costs incurred for corrective action including all liability issues, penalties and fines.

5.2 CRIMINAL ENFORCEMENT: In lieu of civil enforcement, a person who is alleged to have violated this ordinance may be prosecuted for the commission of a crime. Violation of this ordinance shall be a misdemeanor and may be punished by imprisonment of not more than 6 months or imposition of a fine of not more than \$1,000.00, or both.

**Section 6. SAVING CLAUSE:** Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the ordinance as a whole or any other part thereof.

**Section 7.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

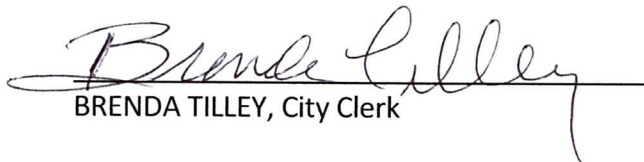
**Section 8.** Provides for passage, publication, either in entirety or by summary, in compliance with Section 50-901A Idaho Code, and an effective date.

The full text of Ordinance No. 207 is available at City Hall and will be provided to any citizen upon personal request during normal office hours.

**PASSED:** This ordinance passed under a suspension of the rule requiring three readings on separate days at a regular meeting of the City Council held on the 10th day of December, 2012.

  
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ROBERT J. CRUMP, Mayor

ATTEST:

  
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BRENDA TILLEY, City Clerk

