

CHAPTER 404 GROUND WATER ORDINANCE TOWN OF GRAY MAINE

Adopted January 22, 2002

SECTION 404.1 – TITLE

This Ordinance shall be known and be cited as the Ground Water Ordinance of the Town of Gray, Maine.

SECTION 404.2 – PURPOSE

The purpose of this Ordinance is to protect the health, safety and general welfare of residents of Gray by identifying a certain Institutional Control Zone (“ICZ”) and prohibiting the removal and use of ground water from land located within the ICZ so as to prevent exposure to contaminated ground water until such time as the ground water in the land attains State of Maine drinking water standards.

SECTION 404.3 – SCOPE AN AUTHORITY

- A. Within the boundaries of the ICZ, comprised as set forth in this Ordinance, no ground water shall be extracted from the ground except in conformity with the provision of this Ordinance. This Ordinance shall apply to such areas notwithstanding the provisions of any other Town ordinance previously adopted.
- B. This Ordinance is adopted pursuant to Article VIII-A of the Maine State Constitution and Title 30-A M.R.S.A. §§ 3001, 3002, and 4352.

SECTION 404.4 – DEFINITIONS

Groundwater: All the water found beneath the surface of the ground. In this Ordinance the term also refers to the slowly moving subsurface water present in aquifers and recharge areas.

SECTION 404.5 – REGULATIONS

- A. Establishments and Delineation of ICZ:

For the purpose of this Ordinance, there is hereby established within the Town of Gray a certain ICZ area. The delineation of the ICZ shall be revised by the Town Council from time to time if the analysis of tests and other data generated by a certain Long Term Monitoring Plan applicable to the McKin site results in a conclusion that the ground water beneath an area of the ICZ meets or exceeds State of Maine drinking quality standards. In that event, this Ordinance shall be amended to remove from the ICZ that area.

- B. The ICZ is established with the following boundaries:

Starting at the intersection of the Yarmouth Road and Mayall Road, proceeding west on Yarmouth Road to the intersection of Yarmouth Road with Depot Road, then northeast on the Depot Road to the southwest corner of Lot 30, Tax map 33, then by straight line to the north corner of Lot 30, Tax Map 33, then by straight line from the south corner of Lot 44, Tax Map 33 to northwest corner of Lot 43, Tax Map 33, then by the northwesterly lot line of Lot 43, Tax Map 33 to Mayall Road, then by straight line east across Mayall Road to southwesterly corner of Lot 1, Tax Map 39, then along the northwesterly lot line of Lot 1, Tax Map 39 to southeasterly corner of Lot 1 B, Tax Map 39, then along the southwest lot line of Lot 1, Tax Map 39 to the southwest corner of Lot 1, Tax Map 39, then easterly along the northwest lot line of Lot 1, Tax Map 39, to the southwest corner of Lot 1-C, Tax Map 39 to Merrill Road, then north on Merrill Road to Collyer Brook, then across Collyer Brook,

then proceeding in a straight line from the southwest corner of Lot 3, Tax Map 39 in a northeasterly direction 500 feet; then proceeding easterly about 2900 feet to a point on the northeasterly lot line of Lot 3A, Tax Map 39, located about 1300 feet southeasterly of the northwesterly corner of Lot 3A, Tax Map 39, then running southeast along the lot line of Lot 3A to the north corner of Lot 20, Tax Map 39, then running southeast along the easterly lot line of Lot 20, Tax Map 39 across the Royal River to the easterly side of Lot 20, Tax Map 39, then by straight line across the railroad tracks to the north corner of Lot 4B, Tax Map 44, then along the easterly lot line of Lot 4B, Tax Map 44 to the southwest corner of Lot 3, Tax Map 44, then to the southerly corner of Lot 3, Tax Map 44 at Depot Road, then running east along Depot Road to the north corner of Lot 5, Tax Map 44, then southerly along the easterly lot line of Lot 5, Tax Map 44 to the southerly corner of Lot 5, Tax Map 44, then along the southerly lot line of Lot 11, Tax Map 44 to the southern point of Lot 11, Tax Map 44, then northwesterly on a straight line to the southwestern most corner of Lot 11, Tax Map 44, then northwesterly across the Royal River and the railroad tracks, on a straight line to the southeast corner of Lot 14-A, Tax Map 38, then along the northeasterly lot line of Lot 14-A, Tax Map 38 to the most northerly corner of Lot 14-A, Tax Map 38, then along the most north and northwest lot line of Lot 11, Tax Map 38 to the Yarmouth Road and thence southwesterly across the Yarmouth Road to the point of beginning.

- C. When the line of the zone runs long any road, the line shall follow the center line of the road whenever possible.
- D. The referenced property tax maps are on file at the Town Office and are those bearing the following identification (as amended through the date of adoption of this Ordinance):

“Property Maps, Town of Gray, Cumberland County, Maine, prepared by GEO-SYSTEMS, 915 U.S. Route 1, P.O. Box 934, Yarmouth, Maine 04096”

- E. The ICZ is also depicted on the McKin Site Standard Survey Plan, entitled “Location of Properties for Restrictive Covenant” prepared by Sevee & Maher Engineers dated August 2000, a copy of which is on file at the Town office.

SECTION 404.6 – USE REGULATIONS

Within the ICZ, these regulations shall apply:

- A. The following uses are prohibited in the ICZ: the removal and/or use of ground water for any purposes, including residential wells; provided, however, that ground water in the ICZ may be removed and tested to determine if it meets the State of Maine drinking water standards.

SECTION 404.7 – VIOLATIONS

- A. Either the Code Enforcement Officer or the Municipal Officers shall institute or cause to be instituted, in the name of the Town, any and all actions, legal and equitable, that shall be appropriate or necessary for the enforcement of the provisions of this ordinance. A photograph or video of the removal and/or use of groundwater, properly authenticated, shall constitute prima facie evidence of a violation.
- B. Any person, firm or corporation, being the owner or occupant of, or having control or the use of land found to violate any provision of this ordinance, shall be guilty of a civil violation and upon conviction thereof, shall be punished by a fine of not less than \$100.00, but no more than \$250.00. Each day such violation is permitted to exist after notification thereof by the Code Enforcement

Officer shall constitute a separate offense. Such persons shall also be liable for any court costs and reasonable attorney fees. The fine for any person, firm or corporation found to violate this Ordinance a second time or more shall be punished by a fine of not less than \$250.00, but no more than \$500.00, for each day such violation is permitted to exist after notification thereof from the code Enforcement Officer.