

Varnum Pond Drinking Water Protection Ordinance

I. Authority

This Varnum Pond Drinking Water Protection Ordinance (Ordinance) is created pursuant to Title 22 M.R.S.A. § 2642 (Municipal regulation authorized) and 30-A M.R.S.A. § 3001 (Municipal Ordinance authority).

II. Purpose

The purpose of this Ordinance is to prohibit certain surface uses on Varnum Pond (Pond) in the Town of Wilton, in order to protect the water quality in the Pond, the intakes of two public drinking water suppliers, and the health, safety and welfare of persons dependent upon the Pond for drinking water.

III. Findings

- a. The Pond is located primarily in the Town of Wilton, with a small portion in the Town of Temple.
- b. The Pond is the sole drinking water source for the Wilton Water Department (Water Department), which provides drinking water and water for fire protection services to the Town of Wilton, as well as the North Jay Water District. The Pond also serves as the backup water supply for the Farmington Village Corporation Water Department (FVCWD), which owns and maintains a separate intake in the Pond.
- c. Potential risks to the public drinking water supply include: 1) contamination from petroleum products, nitrogen, phosphorus from soil erosion, and pathogens such as viruses, bacteria and parasites due to bodily contact with the Pond, and 2) public access to public water supply infrastructure.
- d. The most reliable way to prevent drinking water contamination is to prevent contaminants from entering the water supply. The most reliable way to prevent accidental and/or intentional harm to public water supply infrastructure is to prohibit public access to the infrastructure.

IV. Definitions

For the purposes of this Ordinance, the following definitions shall be observed. All terms, not specifically defined herein, shall have their ordinary or customary meanings. Words used in the present tense shall include the future, and the plural shall include the singular.

Public Water Supply Infrastructure: The physical devices, structures and facilities including pipes and other installations needed for the operation of the Wilton and/or Farmington Village Corporation public drinking water supplies, including but not limited to the point of intake.

V. Prohibitions:

- a. Tampering with Public Water Supply Infrastructure in, adjacent to and near the Pond is expressly prohibited.

- b. Swimming and all other water activities that involve bodily contact with the Pond are prohibited.
- c. Washing and bathing or cleaning of humans, animals or objects with soap, detergents, or cleaning agents shall be prohibited in the Pond or tributaries, or in areas adjacent to these surface waters if the wash waters can immediately enter the surface water without absorption into the soils.
- d. No person shall cause any liquid, gaseous, or solid materials to run off, seep, percolate, or wash into surface or ground waters such that any pollutant or constituent or derivative thereof attains a concentration in ground or surface water that is above background levels or current public health drinking water standards for Maine, whichever is the most stringent.

VI. Enforcement

The Town of Wilton Code Enforcement Officer, Franklin County Sheriff Department, and the Town of Wilton Police Department shall enforce the provisions of this Ordinance.

Any person who violates any provision of this Ordinance shall be subject to the penalties set forth in 30-A M.R.S. § 4452. Monetary penalties may be assessed on a per-day basis and are civil penalties.

VII. Amendments

This Ordinance may be amended by majority vote at Town Meeting.

VIII. Relationship with Other Laws and Regulations

In any case in which a provision of this Ordinance conflicts with a provision of any other State or local law or regulation, the provision which establishes the more restrictive provision shall apply.

IX. Validity and Severability

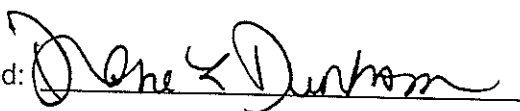
Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

X. Effective Date

The effective date of this Ordinance is: June 18, 2019

This Ordinance was duly ratified by the Town of Wilton at its June 17, 2019 Town Meeting.

Signed:



Diane Dunham, Town Clerk