

ORDINANCE # 225

AN ORDINANCE DESIGNATING THE ZONING COMMISSION  
AS THE TOWN'S AQUIFER PROTECTION AGENCY

BE IT ORDAINED BY THIS TOWN MEETING:

SECTION 1 PURPOSE

The purpose of this Ordinance is to designate the Zoning Commission as the aquifer protection agency for the Town of Canton in accordance with Section 22a-354o of the *Connecticut General Statutes*.

SECTION 2 DESIGNATION AND MEMBERSHIP

A. In accordance with the provisions of *Conn. Gen. Stat. Sec. 22a-354a, et. seq.*, the Zoning Commission is hereby designated as the Aquifer Protection Agency (hereinafter "Agency") of the Town of Canton.

B. Members of the Zoning Commission shall serve coexisting terms on the Agency. The membership requirements for the Agency shall be the same as those of the Zoning Commission including, but not limited to the number of members, terms, method of selection and appointment of members, method of removal of members, and filling of vacancies.

C. At least one (1) member of the Agency or staff of the Agency shall complete the course in technical training formulated by the Commissioner of Environmental Protection of the State of Connecticut pursuant to *Conn. Gen. Stat. Sec. 22a-354v*.

SECTION 3 REGULATIONS TO BE ADOPTED

The Agency shall adopt regulations in accordance with the provisions of *Conn. Gen. Stat. Sec. 22a-354p* and *R.C.S.A, Sec. 22a-354i-3*. Said regulations shall provide for:

A. The manner in which boundaries of aquifer protection areas shall be established and amended or changed.

- B. Procedures for the regulation of activity within the area.
- C. The form for an application to conduct regulated activities within the area.
- D. Notice and publication requirements.
- E. Criteria and procedures for the review of applications.
- F. Administration and enforcement.
- G. Any other item the Agency is authorized to regulate pursuant to *Conn. Gen. Stat. Sec. 22a-354a et seq.* or any state regulations enacted pursuant to such sections.

#### SECTION 4 INVENTORY OF LAND USE

- A. In order to carry out the purposes of an aquifer protection program for the Town, the Agency will conduct an inventory of land use within the area to assess potential contamination sources.
- B. Not later than three (3) months after approval by the Commissioner of Environmental Protection of the State of Connecticut of Level B Mapping of aquifers, the Agency will inventory land uses overlying the mapped zone of contribution and recharge areas of such aquifers in accordance with guidelines established by the Commissioner pursuant to *Conn. Gen. Stat. Sec. 22a-354f*. Such inventory shall be completed not more than one (1) year after authorization of the Agency in accordance with *Conn. Gen. Stat. Sec. 22a-354e*.

#### SECTION 5 OTHER POWERS

The Agency shall have such other powers authorized by *Conn. Gen. Stat. Sec. 22a-354a et seq.* or any state regulations enacted pursuant to such sections.

#### SECTION 6 SAVINGS CLAUSE

If any section, clause, provision or portion of this Ordinance, or if any regulation established pursuant to the terms of this Ordinance, shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not affect

or impair any other section, clause, provision or portion of this Ordinance or of any regulation established pursuant to the terms of this Ordinance.

SECTION 7 EFFECTIVE DATE

This Ordinance shall become effective upon adoption by the special town meeting and after publication in a newspaper having a general circulation in the Town of Canton.

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*effective 9/2/04*