

**COUNCIL OF THE CITY OF ABERDEEN**  
**Ordinance No. 18-O-22**

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**Date Introduced:** July 23, 2018

**Sponsored By:** Councilwoman Sandra Landbeck and Councilman Melvin Taylor

**Amendments Adopted:**

**Public Hearing:** August 13, 2018

**Date Adopted:** August 20, 2018

**Date Effective:** September 10, 2018

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**AN ORDINANCE concerning**

**ABERDEEN WELLHEAD PROTECTION ORDINANCE**

**FOR** the purpose of making certain revisions to the City of Aberdeen Wellhead Protection Ordinance.

**BY** repealing and reenacting, with amendments  
Chapter 524. WELLHEAD PROTECTION  
Sections 524-1 through 524-15, inclusive  
Code of the City of Aberdeen (2010 Edition as amended)

**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.

\* \* \* indicates existing unmodified text omitted from Ordinance

**SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Sections 524-1 through 524-15, inclusive, of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 524, WELLHEAD PROTECTION, are repealed and reenacted, with amendments, to read as follows:

**Chapter 524. WELLHEAD PROTECTION**

**§ 524-1 Title; incorporation of documents by reference.**

This chapter shall be known and cited as the “Aberdeen Wellhead Protection Ordinance.” The Wellhead Protection Ordinance shall incorporate by reference the Official Zone 1 ((and)), Zone 2, AND ZONE 3 Wellhead Protection Areas Map, Wellhead Protection Plan, and any future amendments thereto.

**§ 524-2 Purposes and findings.**

- A. The purpose of this chapter is to protect the public health, safety, and welfare through the preservation of the ground water resources of community public water supplies to ensure a future supply of safe and healthful drinking water. The designation of the wellhead protection districts, and careful regulation of activities within these districts, can reduce the potential for groundwater contamination.
- B. The ground water underlying the community water supply wellhead protection areas is a major source for the City of Aberdeen’s AND HARFORD COUNTY’S existing and future water supply.
- C. A safe and adequate source of drinking water is of great benefit to the health and well-being of the City of Aberdeen.
- D. THE AQUIFER SYSTEMS SUPPLYING THE COMMUNITY WATER SUPPLY WELLHEAD PROTECTION AREAS, WITH ITS GROUND WATER SUPPLY, IS INTEGRALLY CONNECTED WITH NUMEROUS SURFACE WATERS AND STREAMS.
- ((D.)) E. Accidental spills and discharges of toxic and hazardous materials ((or petroleum products within the wellhead protection areas)) can threaten the quality of such water supplies, posing public health and safety hazards.
- ((E.)) F. Unless preventive measures are adopted to control the discharge and storage of toxic and hazardous materials ((or petroleum products)) within the community water supply wellhead protection areas, further spills and discharges of such materials will predictably occur, and with greater frequency and degree of hazard by reason of increasing land development, population, and vehicular traffic within the wellhead protection areas.

**§ 524-3 Legislative authority; amendments.**

This chapter is established in accordance with the provisions of the City Charter.

- A. Enabling statute.

- 1 (1) The City of Aberdeen has duly adopted within the Comprehensive Plan, after public  
2 notice and hearing, a sensitive areas element in accordance with ((§ 3.05 of Article 66B  
3 of the Annotated Code of Maryland))THE LOCAL GOVERNMENT AND LAND USE  
4 ARTICLES OF THE ANNOTATED CODE OF MARYLAND;  
5
- 6 (2) ((Section 3.05 of Article 66B)) THE LAND USE ARTICLE requires protection of  
7 streams and their buffers, one-hundred-year floodplains, habitats of threatened and  
8 endangered species (habitat), steep slopes, AND hydrology, geology, forests,  
9 hydrogeology, and historic sites;  
10
- 11 (3) ((Section 3.05(a)(2) of Article 66B)) THE LAND USE ARTICLE authorizes protection  
12 of additional types of sensitive areas;  
13
- 14 (4) The Mayor and City Council have determined through the Sensitive Areas Element of the  
15 Comprehensive Plan, that in addition to streams and their buffers, 100-year floodplains,  
16 habitats of threatened and endangered species, AND steep slopes, ((hydrology, geology,  
17 forests, hydrogeology, and historic sites) wellhead PROTECTION areas are in need of  
18 special protection;  
19
- 20 (5) ((Section 4.01 of Article 66B)) THE LOCAL GOVERNMENT AND LAND USE  
21 ARTICLES OF THE ANNOTATED CODE OF MARYLAND ((empowers))  
22 EMPOWER the City of Aberdeen with the authority to regulate and restrict land use for  
23 the purpose of promoting the health, safety and general welfare of the community;  
24
- 25 (6) Section 1428 of the Federal Safe Drinking Water Act Amendments of 1986 requires that  
26 each state develop a wellhead protection program to protect public water supplies from  
27 contamination; and  
28
- 29 (7) The Maryland Department of the Environment (MDE) has developed a wellhead  
30 protection program, approved by ((the)) EPA, which identifies that local governments  
31 have responsibility for developing programs, including regulations and management  
32 controls, to protect public water supplies from contamination.  
33

34 B. Amendments. This chapter or any part thereof may be amended from time to time in  
35 accordance with the procedures as established by law.

36  
37 § 524-4 **Definitions.**

38  
39 As used in this chapter, the following words and phrases shall have the meanings indicated:  
40

41 AQUIFER – Any formation of soil, sand, rock, gravel, limestone, sandstone, or other material, or  
42 any crevice from which underground water is or may be produced.  
43

44 \* \* \*  
45

1 WELLHEAD PROTECTION ((OVERLAY)) DISTRICT – That land area overlying the aquifer  
2 which contributes water to a public water supply well under the permitted withdrawal rate. A  
3 groundwater model described in the 2004 Aberdeen Wellhead Protection Plan, reviewed and  
4 approved by MDE, delineates the Wellhead Protection ((Overlay)) District. It includes ((two))  
5 THREE zones of protection. ((Zone 1 is based on a one-year time of travel (the area where  
6 groundwater is captured by the supply wells within one year). Zone 2 is based on a ten-year time  
7 of travel.)) ZONE 1 IS BASED ON A ONE YEAR TIME OF TRAVEL, FIXED RADIUS OR  
8 OTHER ASSESSMENT OF AN AREA MOST CLOSELY CONNECTED TO THE WATER  
9 SUPPLY. ZONE 2 IS BASED ON A TEN YEAR TIME OF TRAVEL OR BY  
10 HYDROGEOLOGICAL BOUNDARIES. THE BOUNDARY OF ZONE 3 ENCOMPASSES  
11 THE REMAINING LAND AREA OF THE WELLHEAD PROTECTION DISTRICT  
12 LOCATED WITHIN THE CITY OF ABERDEEN.

13  
14 WELLHEAD PROTECTION PLANNING TEAM – THIS CONSISTS OF THE DIRECTOR  
15 OF PLANNING AND COMMUNITY DEVELOPMENT, THE DIRECTOR OF PUBLIC  
16 WORKS, AND/OR THEIR DESIGNEES.

17  
18 **§ 524-5 Applicability.**

19  
20 A. This chapter applies to all land uses and activities located or proposed within the area  
21 delineated as the Wellhead Protection ((Overlay)) District in the City of Aberdeen on a map  
22 available for inspection at the office of the Department of Planning and Community  
23 Development and as defined in § 524-4 of this chapter. The Wellhead Protection ((Overlay))  
24 District consists of Zone 1,((and)) Zone 2 AND ZONE 3 described in §524-6 below.

25  
26 B. This chapter is supplementary to other laws and regulations. Where this chapter or any  
27 portion thereof imposes a greater restriction than is imposed by other regulations, the  
28 provisions of this chapter shall control.

29  
30 C. ((The wellhead protection area shall be an overlay district to the zoning districts established  
31 by Chapter 235 of the City Code and the City Zoning Map and may encompass all or  
32 portions of more than one existing zoning district. The Wellhead Protection Overlay District  
33 shall supplement and be in addition to those requirements governing the existing underlying  
34 zoning district(s) and is designed to respond to the special features, conditions and/or  
35 physical characteristics of land located therein.))THE USES SPECIFIED IN THIS  
36 CHAPTER DO NOT LIMIT THE CITY OF ABERDEEN FROM PROVIDING FOR  
37 OTHER USES OR REGULATING SUCH USES AS COVERED BY ITS ZONING  
38 CHAPTER. THE USES IDENTIFIED AND REGULATED IN THIS CHAPTER ARE  
39 USES THAT MAY POSE A THREAT TO ABERDEEN'S GROUNDWATER. THIS  
40 CHAPTER SHALL BE DEEMED SUPPLEMENTARY TO THE ZONING CHAPTER.

41  
42 **§ 524-6 Wellhead Protection ((Overlay)) District.**

43  
44 A. ((The Wellhead Protection Overlay District is set forth on the Zone 1 and Zone 2 Wellhead  
45 Protection Areas Map adopted by the Mayor and City Council and incorporated  
46 herein.))THE WELLHEAD PROTECTION DISTRICT INCLUDES DIFFERING ZONES

1 OF PROTECTION AS RECOMMENDED BY MDE. WITHIN THE CITY OF  
2 ABERDEEN, WELLHEAD PROTECTION DISTRICT INCLUDES 1, 2, AND 3 ZONES  
3 OF PROTECTION. EACH ZONE IS FURTHER DESCRIBED BELOW:  
4

5 (1) Zone 1 represents the area ((where)) BOUNDED BY A groundwater TRAVEL time of  
6 ((travels to the Aberdeen supply wells is)) one year ((or less)) TO THE ABERDEEN  
7 SUPPLY WELLS. MDE has indicated its approval of this area as being consistent with  
8 the requirements of Section 1428 of the Safe Drinking Water Act BY LETTER DATED  
9 MAY 11, 2004.  
10

11 (2) Zone 2 represents the area ((where)) BOUNDED BY A groundwater ((travels to the  
12 Aberdeen supply wells in 10 years or less.))TRAVEL TIME OF 10 YEARS TO THE  
13 ABERDEEN SUPPLY WELLS. MDE has indicated its approval of this area as being  
14 consistent with the requirements of Section 1428 of the Safe Drinking Water Act BY  
15 LETTER DATED MAY 11, 2004.  
16

17 (3) ZONE 3 REPRESENTS THE REMAINING LAND AREA OF THE WELLHEAD  
18 PROTECTION DISTRICT LOCATED WITHIN THE CITY OF ABERDEEN. MDE  
19 HAS INDICATED ITS APPROVAL OF THIS AREA AS BEING CONSISTENT WITH  
20 THE REQUIREMENTS OF SECTION 1428 OF THE SAFE DRINKING WATER ACT  
21 BY LETTER DATED MAY 9, 2018.  
22

23 B. The map delineating the Wellhead Protection ((Overlay)) District and Zones 1,((and))  
24 2((,))AND 3 ARE ENTITLED THE ((titled “Zone 1 and Zone 2 Wellhead Protection Areas  
25 Map” dated May 17, 2004 is)) “WELLHEAD PROTECTION MAP – ZONES 1, 2, AND 3  
26 DATED JANUARY 10, 2018” is incorporated herein and made part of this chapter. The  
27 map shall be on file and maintained by the Departments of Planning and Community  
28 Development and Public Works. Accurate copies of ((this)) THESE ((map)) MAPS shall be  
29 made available for review by the public.  
30

31 C. In determining how properties within the Wellhead Protection ((Overlay)) District depicted  
32 on the ((Zone 1 and Zone 2 ))Wellhead Protection ((Areas)) Map ((dated May 17, 2004, ))–  
33 ZONES 1, 2, AND 3 DATED JANUARY 10, 2018 are affected by the requirements of this  
34 chapter the following rules shall apply:  
35

36 (1) Properties located wholly within one zone as reflected on ((the Zone 1 and Zone 2  
37 ))Wellhead Protection ((Areas ))Map ((dated May 17, 2004, ))– ZONES 1, 2, AND 3  
38 DATED JANUARY 10, 2018 shall be governed by the restrictions applicable to that  
39 zone.  
40

41 (2) Properties having parts lying within more than one zone as reflected on the ((Zone 1 and  
42 Zone 2 ))Wellhead Protection ((Areas))Map ((dated May 17, 2004,)) – ZONES 1, 2,  
43 AND 3 DATED JANUARY 10, 2018 shall be governed by the restrictions applicable in  
44 each zone.  
45

1 D. The boundary of the Wellhead Protection ((Overlay))District or individual zones within the  
2 District may be modified should additional information or analysis be provided that shows  
3 that the current boundary lines no longer appropriately reflectS the criterion which they  
4 ((intend))PURPORT to represent.  
5

6 (1) PROCEDURES FOR MODIFICATION OF SUCH BOUNDARIES SHALL BE AS  
7 FOLLOWS:  
8

9 A. AN APPLICANT WHO REQUESTS A CHANGE IN BOUNDARY SHALL  
10 SUBMIT AN APPLICATION AND THE JUSTIFICATION FOR THE CHANGE  
11 TO THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT.  
12 THE APPLICANT SHALL PETITION THE DIRECTOR OF PLANNING AND  
13 COMMUNITY DEVELOPMENT FOR A MAP AMENDMENT AND BE  
14 REQUIRED TO PRESENT DETAILED HYDROLOGIC AND HYDROLOGIC  
15 INFORMATION TO THE BOARD OF APPEALS INDICATING WHERE THE  
16 NEW BOUNDARY LINE SHOULD BE DRAWN. THE APPLICANT SHALL  
17 PROVIDE SIX (6) COPIES OF ALL REPORTS AND MAPS TO THE DIRECTOR  
18 OF PLANNING AND COMMUNITY DEVELOPMENT FOR A TECHNICAL  
19 REVIEW OF GEOLOGIC AND HYDROLOGIC, AND ANY OTHER RELEVANT  
20 INFORMATION. MAPS SHALL BE SUBMITTED ON THE SAME SCALE OR  
21 MORE DETAILED AS THE OFFICIAL WELLHEAD PROTECTION DISTRICT  
22 MAPS.  
23

24 B. THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT SHALL  
25 SEEK COMPETENT TECHNICAL ADVICE OF SUCH A CHANGE REQUEST.  
26 THE CITY OF ABERDEEN'S WELLHEAD PROTECTION PLANNING TEAM  
27 SHALL BE GIVEN A COPY OF THE INFORMATION GIVEN TO THE BOARD  
28 OF APPEALS AND BE GRANTED ADEQUATE TIME TO COMMENT ON THE  
29 PROPOSED CHANGE.  
30

31 C. THE BURDEN OF PROOF SHALL BE ON THE APPLICANT TO  
32 DEMONSTRATE TO THE BOARD OF APPEALS THAT THE CURRENT  
33 BOUNDARIES DO NOT REPRESENT THE CRITERION WHICH THEY  
34 PURPORT TO REPRESENT.  
35

36 D. IF, AFTER RECEIVING WRITTEN ADVICE FROM THE CITY OF  
37 ABERDEEN'S WELLHEAD PROTECTION PLANNING TEAM AND/OR  
38 OTHER TECHNICAL ADVISORS, THE BOARD OF APPEALS BELIEVES  
39 THAT THE PROPOSED CHANGE MAY HAVE MERIT, ALL PROPERTY  
40 OWNERS THAT MAY BE MATERIALLY AFFECTED BY THE CHANGES  
41 SHALL BE SENT NOTICES INDICATING THE PROPOSED CHANGE AND AN  
42 OPPORTUNITY TO COMMENT. AN OPPORTUNITY FOR PUBLIC  
43 COMMENT OF SIXTY (60) DAYS AFTER NOTICES ARE SENT SHALL BE  
44 PROVIDED.  
45

1 E. AFTER CLOSE OF THE PUBLIC COMMENT PERIOD THE BOARD OF  
2 APPEALS SHALL MAKE ITS DECISION.

3  
4 F. ANY MAPS SO REVISED SHALL BE INCORPORATED AND MADE PART OF  
5 THIS CHAPTER AND KEPT ON FILE AND AVAILABLE TO THE PUBLIC FOR  
6 REVIEW BY THE DEPARTMENT OF PLANNING AND COMMUNITY  
7 DEVELOPMENT.

8  
9 ((E. Any amendments, additions, modifications or deletions to the Zone 1 and Zone 2  
10 Wellhead Protection Areas Map shall be made in accordance with the procedures established  
11 for a zoning map amendment in Chapter 235, Article II, Section 235-14; provided, however,  
12 that except as otherwise provided in Article 66B of the Annotated Code of Maryland, in lieu  
13 of finding of "substantial change in the character of the neighborhood where the property is  
14 located or that there was a mistake in the existing zoning classification," there may be several  
15 reasons for changing the zones, including but not limited to a change in the permitted  
16 withdrawal rate, addition or deletion of supply wells, redistribution of discharge amongst the  
17 supply wells, new information, or a mistake. Any amendment to the adopted Zone 1 and  
18 Zone 2 Wellhead Protection Areas Map should be shown on a map of the same scale or a  
19 more detailed scale.

20  
21 (1) Any amendments to the Zone 1 and Zone 2 Wellhead Protection Areas Map shall, in  
22 addition to the above requirements, be supported by such engineering, geologic and  
23 hydrogeologic studies and reports to be provided by the petitioner as may be required by  
24 the City.

25 (2) The City may seek technical advice on any boundary change request.))  
26

27 **§ 524-7 Permitted uses.**

28  
29 ((Notwithstanding the list of permitted uses set forth below, the Director of Planning and  
30 Community Development shall have the authority to restrict or prohibit uses which may  
31 adversely affect the City's water supply or the obligation of the City to provide safe and healthful  
32 drinking water.

33  
34 A. Conservation of soil, water, plants, and wildlife.

35  
36 B. Outdoor recreation, which includes but is not limited to public parks, stadiums and ball fields.

37  
38 C. Foot and bicycle paths and bridges.

39  
40 D. Maintenance, repair, and enlargement of any existing structure, subject to § 524-8, Prohibited  
41 uses.

42  
43 E. Residential uses and developments, subject to § 524-8, Prohibited uses.  
44

1 F. Construction, maintenance, repair, and enlargement of drinking water supply related  
2 facilities, such as but not limited to wells, pipelines, aqueducts, and tunnels. Underground  
3 storage tanks related to these activities are not categorically permitted.))  
4

5 PERMITTED USES IN THE WELLHEAD PROTECTION ZONES ARE THOSE  
6 ACTIVITIES LISTED AS ALLOWABLE ON THE FOLLOWING TABLE:  
7  
8  
9



1 **Key to Table** P – Prohibited Use C – Conditional Use A – Allowable Use  
2

<i>Use</i>	<i>Zone 1</i>	<i>Zone 2</i>	<i>Zone 3</i>
APPAREL AND TEXTILE MANUFACTURING	P	P	C
ASPHALT AND CONCRETE BATCHING PLANTS	P	P	C
GASOLINE AND DIESEL DISPENSING STATIONS	P	C	C
BIOLOGICAL PRODUCTS MANUFACTURING	P	P	C
BULK STORAGE OF HAZARDOUS MATERIALS	P	C	C
CHEMICAL LANDFILLS	P	P	P
DRY CLEANERS	P	C	A
INSTRUMENTS AND RELATED PRODUCTS MANUFACTURING	P	C	A
LEATHER AND LEATHER PRODUCTS MANUFACTURING	P	C	C
LUMBER AND WOOD PRODUCTS MANUFACTURING	P	P	P
MEDICINAL, CHEMICALS AND BOTANICALS MANUFACTURING	P	C	C
METAL PLATING SHOPS	P	C	C
MUNICIPAL WASTE LANDFILLS	P	P	P
MUNICIPAL INCINERATORS	P	C	A
PAPER AND	P	P	P

ALLIED PRODUCTS MANUFACTURING			
PETROLEUM PRODUCTION AND STORAGE COMPANIES	P	P	C
PHARMACEUTICAL PREPARATION MANUFACTURING	P	C	A
OPEN DUMPING AND BURNING SITES	P	P	P
SAND AND GRAVEL PIT EXCAVATIONS	P	P	P
SCRAP MATERIALS, SALVAGE YARDS, JUNKYARDS AND AUTOMOBILE GRAVEYARDS	P	P	P
STONE, CLAY AND GLASS MANUFACTURING	P	C	A
STORAGE, TREATMENT AND DISPOSAL PONDS, LAGOONS AND OTHER SURFACE IMPOUNDMENTS (DOES NOT INCLUDE STORM WATER MANAGEMENT PONDS)	P	P	C
SYNTHETIC AND PLASTIC PRODUCTIONS	P	P	C
TRANSPORTATION EQUIPMENT MANUFACTURING	P	C	C
UNDERGROUND STORAGE TANKS	P	C	C
AIRPORTS AND AIRFIELDS	P	C	C

AUTOMOBILE CAR WASH	C	C	A
AUTOMOBILE, MOTORCYCLE AND GO-CART RACING TRACKS	P	C	A
AUTOMOBILE REPAIR SHOPS	C	C	A
BOAT REPAIR SHOP	C	C	A
CAR DEALERSHIPS WITH SERVICE DEPARTMENTS	C	C	A
COMMUNICATIONS EQUIPMENT MANUFACTURERS	C	C	A
COUNTRY CLUBS AND GOLF COURSES	C	A	A
DRY GOODS MANUFACTURING	C	A	A
ELECTRIC AND ELECTRONIC COMPONENT MANUFACTURERS	C	A	A
FOOD PROCESSING FACILITIES	C	A	A
FUNERAL SERVICES AND CREMATORIES	C	C	A
FURNITURE MANUFACTURE, REPAIR AND FINISHING SHOPS	C	C	A
HOME MANUFACTURING	C	A	A
HORTICULTURAL PRACTICES, GARDENS, NURSERIES AND FLORISTS	C	C	A
LAUNDROMATS	A	A	A
MACHINE AND METAL WORKING SHOPS	C	C	A

MEDICAL INSTITUTIONS	C	A	A
MILITARY INSTALLATIONS	C	C	A
MOTOR VEHICLE PAINTING AND BODY WORK	C	C	A
PUBLIC UTILITIES	C	A	A
RAILROAD YARDS	C	C	A
RESEARCH LABORATORIES	C	C	A
SMALL ENGINE REPAIR SHOPS	C	C	A
TRANSPORT STATION	C	C	A
TRANSFER STATION	C	C	A
WELDERS	C	C	A

2  
 3  
 4  
 5

§ 524-8 **Prohibited uses.**

((Within Zone 1 the following uses are prohibited:

- Apparel and other textile products manufacturing
- Asphalt and concrete batching plants
- Automobile gasoline station
- Biological products manufacturing
- Bulk storage of hazardous materials
- Chemical landfills
- Dry cleaners
- Hazardous materials stockpiles
- Instruments and related products manufacturing
- Leather and leather products manufacturing
- Lumber and wood products manufacturing
- Medicinal, chemicals and botanicals manufacturing
- Metal plating shops
- Municipal waste landfills
- Municipal incinerators
- Paper and allied products manufacturing
- Petroleum production and storage companies

Pharmaceutical preparation manufacturing  
Open dumping and burning sites  
Sand and gravel pit excavations  
Scrap materials, salvage yards, junkyards and automobile graveyards  
Stone, clay and glass manufacturing  
Storage, treatment and disposal ponds, lagoons and other surface impoundments  
Synthetic and plastic productions  
Transportation equipment manufacturing  
Underground storage tanks))

1  
2 PROHIBITED USES IN THE WELLHEAD PROTECTION ZONES ARE THOSE  
3 ACTIVITIES LISTED AS PROHIBITED ON THE TABLE IN § 524-7.

4  
5 § 524-9 **Conditional uses.**

6  
7 ((Within Zone 1 and Zone 2, the following uses that are listed as requiring a conditional use will  
8 not be allowed within the Wellhead Protection Overlay District unless the property owner can  
9 show the use will not harm the groundwater and is able to meet the conditions described in  
10 § 524-10 of this chapter:

11  
Airports and airfields  
Automobile car wash  
Automobile, motorcycle and go-cart racing tracks  
Automobile repair shop  
Boat repair shop  
Car dealerships with service departments  
Communications equipment manufacturers  
County clubs and golf courses  
Dry goods manufacturing  
Electric and electronic equipment manufacturers  
Food processing facilities  
Funeral services and crematories  
Furniture manufacturer, repair and finishing shops  
Home manufacturing  
Horticultural practices, gardens, nurseries and florists  
Laundromats  
Machine and metal working shops  
Medical institutions

Military installations  
Motor vehicle painting and body work  
Public utilities  
Railroad tracks and yards  
Research laboratories  
Small engine repair shops  
Transport and transfer stations  
Welders))

1  
2  
3 CONDITIONAL USES IN THE WELLHEAD PROTECTION ZONES ARE THOSE  
4 ACTIVITIES LISTED AS CONDITIONAL ON THE TABLE IN § 524-7.

5  
6 § 524-10 **Requirements for conditional use.**

7  
8 ACTIVITIES THAT ARE DEFINED AS CONDITIONAL USES WILL NOT BE ALLOWED  
9 WITHIN THE WELLHEAD PROTECTION DISTRICT UNLESS THE PROPERTY OWNER,  
10 AFTER SUBMITTING AN APPLICATION, DEMONSTRATES THAT THE USE WILL NOT  
11 HARM THE GROUND WATER AND IS ABLE TO MEET THE CONDITIONS DESCRIBED  
12 IN THIS CHAPTER.

13  
14 A. ((The landowner)) A PROPERTY OWNER or representative shall submit to the Director of  
15 Planning and Community Development an application for a conditional use. The application  
16 shall include:

17  
18 (1) ((The type and quantity))A LIST of all hazardous materialS ((or petroleum products))  
19 which are to be stored, handled, used, or produced in the activity being proposed.

20  
21 (2) A description of the quantities and containers for the storage, handling, use or production  
22 of hazardous materialS ((or petroleum products)) by the proposed activity.

23  
24 (3) A site plan illustrating the location of all operations involving hazardous materialS ((or  
25 petroleum products)), spill containment structures and showing all points of potential  
26 discharge to groundwater including dry wells, ((and)) infiltration ponds, SEPTIC  
27 TANKS, AND DRAIN FIELDS.

28  
29 (4) Documentation of approval by MDE of any industrial waste treatment or disposal system  
30 or any wastewater treatment system over 5,000 gallons per day (gpd) capacity.

31  
32 (5) Documentation of MDE permit or approval for any discharge via an underground  
33 injection well.

34  
35 (6) Plans showing SECONDARY containment for all UNDERGROUND AND aboveground  
36 tank and lines containing hazardous material ((or petroleum products)).

1  
2 (7) A description of the best management practices which will be followed during the  
3 construction of the facility to ensure that hazardous materials ((or petroleum products))  
4 are not released to the groundwater.  
5

6 (8) An emergency plan indicating the procedures which will be followed in the event of a  
7 spill of a hazardous material ((or petroleum products)) to control and collect the spilled  
8 material to prevent the substance from reaching the groundwater.  
9

10 (9) A hydrologic assessment for properties with greater than ((30%)) 50% planned  
11 impervious surfaces (building footprints, ((parking areas,)) sidewalks, and transportation  
12 surfaces) to determine the groundwater recharge rate after site development is completed.  
13 The assessment will also estimate the ground water recharge rate prior to development.  
14

15 (10) Copies of all federal, state, and/or local permits, certificates, licenses, or other such  
16 enabling documentation required for the storage/use of the hazardous material ((or  
17 petroleum products)).  
18

19 ((11) Copies of all inspections, review, etc., required by Subsection A(10).))  
20

21 ((12) Compliance with the Aberdeen Code, Chapter 465, Stormwater Management. Chapter  
22 465 adopts by reference the 2000 Maryland Stormwater Design Manual, Volumes I and  
23 II.))  
24

25 B. The ((Department)) DIRECTOR of Planning and Community Development shall obtain  
26 advice from all appropriate ((state and)) local agencies, INCLUDING THE CITY OF  
27 ABERDEEN'S WELLHEAD PROTECTION PLANNING TEAM, to assess whether the  
28 ((Zone 1 and Zone 2)) Wellhead Protection Area will be protected from contaminants which  
29 pose an adverse effect on the health or comfort of persons. In making ((his or her  
30 determination, the Director of the Department of Planning and Community Development))  
31 THEIR DETERMINATION, THE CITY OF ABERDEEN'S WELLHEAD PROTECTION  
32 PLANNING TEAM AND OTHER AGENCIES shall give consideration to the simplicity,  
33 reliability, and feasibility of the control measures proposed and the degree of threat to  
34 drinking water quality which would result if the control measures failed. The Director of  
35 ((the Department)) Planning and Community Development shall then issue a written  
36 decision.  
37

38 \* \* \*

39  
40 C. The Director OF PLANNING AND COMMUNITY DEVELOPMENT may deny the  
41 Conditional Use if it is determined that the Conditional Use would not meet the requirements  
42 outlined in § 524-10.B. above. The Director(("s)) OF PLANNING AND COMMUNITY  
43 DEVELOPMENT'S decision shall be made in writing to the applicant.  
44

45 § 524-11 Nonconforming uses.  
46

1 ((A. Property owners within Zone 1 and Zone 2 shall be notified of the changes in the  
2 permitted and prohibited uses in this chapter and those which require conditional use  
3 approval.))  
4

5 A. (((B.))Nonconforming uses lawfully in existence within the Wellhead Protection ((Overlay))  
6 District ((for Zone 1 and Zone 2)) may continue to exist in the form in which they existed at  
7 the time of adoption of this chapter. Changes in title or right to possession shall NOT  
8 EFFECT CONTINUATION OF AN EXISTING USE.((be reviewed by the Director of the  
9 Department of Planning and Community Development to determine if an existing use should  
10 be continued.))  
11

12 ((C. Existing sites may be inspected annually by the Department of Public Works for  
13 conformance to applicable regulations and the Wellhead Protection Plan in accordance with  
14 this chapter.  
15

16 D. Nonconforming uses that are not in compliance with applicable regulations or the Wellhead  
17 Protection Plan must submit a compliance plan to the Director of the Department of Public  
18 Works, following receipt of a letter specifying the nonconformance.  
19

20 E. )) B. In the event that a nonconforming use poses a direct hazard to the public water supply,  
21 the ((City of Aberdeen))DIRECTOR OF PLANNING AND COMMUNITY  
22 DEVELOPMENT may take any action ((necessary))PERMITTED BY LAW to abate the  
23 HAZARD.((violation. All necessary actions to abate the violation(s) will be at the cost of the  
24 property owner.))  
25

26 ((F. If a nonconforming use ceases for a period of one year or more, then the nonconforming  
27 use shall be deemed abandoned and compliance with this chapter shall be required. The  
28 casual, temporary or illegal use of land or structure does not establish the existence of a  
29 nonconforming use.))  
30

### 31 § 524-12 Variances.

32

33 ((Variances to the provisions of this chapter may be granted by the Aberdeen Board of Appeals  
34 following a public hearing, provided that a strict interpretation of the chapter deprives such  
35 property of privileges or safety enjoyed by other similarly situated property within the Wellhead  
36 Protection Overlay District. Applications for variances must be filed with the Director of the  
37 Department of Planning and Community Development.))DUE TO THE PUBLIC HEALTH,  
38 SAFETY, AND WELFARE OF OUR CITIZENS AND THE NATURE OF OUR PUBLIC  
39 WATER SUPPLY, VARIANCES TO THE PROVISIONS OF THIS CHAPTER WILL NOT  
40 BE CONSIDERED OR GRANTED.  
41

### 42 § 524-13 Exemptions.

43

44 The following activities are exempt from regulation under this chapter:  
45



1 A. Transportation of hazardous material. The appropriately permitted transportation of any  
2 hazardous materialS through the Wellhead Protection ((Overlay)) District shall be exempt  
3 from the provisions of this chapter.  
4

5 B. Application of pesticides. The application of pesticides in recreation, agriculture, pest  
6 control, and aquatic weed control activities shall be exempt from the provisions of this  
7 chapter, provided that:  
8

9 (1) The application is in strict conformity with the use requirement as set forth in the  
10 substance's EPA registries. A pesticide can only be used according to its labeling and  
11 according to pertinent federal and state laws.  
12

13 (2) The application of pesticides shall be noted in the records of an applicator certified by the  
14 Maryland Department of Agriculture. Records shall be kept of the date and amount of  
15 these substances applied at each location and said records shall be available for  
16 inspection.  
17

18 C. Aboveground storage of oil(s).  
19

20 (1) The aboveground storage of oil(s) used for heating fuel shall be exempt from the  
21 provisions of this chapter, provided that the tank used for storage is:  
22

23 a. Located on an impervious pad or container of sufficient volume to capture and  
24 contain spills and leakage of oil entering the environment;  
25

26 b. Sheltered to prevent the intrusion of precipitation; and  
27

28 c. Located in a manner that allows for routine visual inspection.  
29

30 (2) Aboveground storage of oil shall be located as far away from the public water supply  
31 wells as possible.  
32

33 D. UNDERGROUND STORAGE OF OIL(S) – THE UNDERGROUND STORAGE OF  
34 OIL(S) USED FOR HEATING FUEL SHALL BE EXEMPT FROM THE PROVISIONS  
35 OF THIS ORDINANCE IF THE TANK USED FOR STORAGE IS LOCATED WITHIN  
36 AN ENCLOSED STRUCTURE (I.E., SECONDARY CONTAINMENT OR ANY  
37 CURRENTLY APPROVABLE CONTAINMENT TECHNOLOGY) SUFFICIENT TO  
38 CONTAIN LEAKAGE OF OIL FROM THE ENVIRONMENT AND TO PROVIDE  
39 ROUTINE ACCESS FOR VISUAL INSPECTION (E.G., CEMENT-FLOORED  
40 BASEMENT), AND SHELTERED TO PREVENT THE INTRUSION OF  
41 PRECIPITATION. ANY TANK USED FOR THE UNDERGROUND STORAGE OF OIL  
42 THAT IS OUT OF THE SERVICE FOR MORE THAN ONE YEAR SHALL BE  
43 REMOVED. LIQUID RESIDUE SHALL BE REMOVED AND ALL CONNECTING  
44 PIPING SECURELY CAPPED OR PLUGGED.  
45

46 § 524-14 Performance plan standards.

1  
2 All activities that are designated conditional uses shall meet the following design and operation  
3 guidelines.

- 4  
5 A. ((Containment)) CONTAINMENTS of hazardous materials. Leak-proof trays under  
6 containers, floor curbing, or other containment systems to provide secondary liquid  
7 containment shall be installed. The containment shall be of adequate size to handle all spills,  
8 leaks, overflows, and precipitation until appropriate action can be taken. The specific design  
9 and selection of materials shall be sufficient to contain any hazardous material at the location  
10 and prevent escape to the environment. These requirements shall apply to all areas of use,  
11 production and handling to all storage areas, to loading and off-loading areas, and to  
12 aboveground and underground storage areas. Because ((state)) STATE and federal  
13 governments already regulate hazardous materials, nothing in this chapter shall be applied in  
14 a way to prevent a person from complying with State and federal requirements.  
15  
16 B. All underground tank(s) and piping systems shall meet the requirements of COMAR  
17 26.10.05.03.C(1) to (4) for secondary containment, double wall tanks, liners, vaults and  
18 underground piping.  
19  
20 C. Dry-cleaning establishments shall not discharge to the ground or subsurface any wastewater  
21 that was in contact with the organic solvents used in the dry-cleaning process. As specified in  
22 Subsection A above, secondary containment is required for areas when dry-cleaning solvent  
23 is stored, used and transferred.  
24  
25 D. Infiltration of stormwater runoff that has come in contact with the pavement surfaces shall  
26 not be permitted at gasoline ((service)) stations. Waste from ((service)) GASOLINE stationS  
27 work areas is not permitted to be discharged to the ground or subsurface.  
28  
29 E. All deicing chemicals (salt piles and sand/salt mixes) must be stored under roof and protected  
30 from precipitation by a permanent cover. Runoff from mixing and loading areas may not be  
31 discharged to the subsurface.  
32  
33 F. All facilities with bulk storage of pesticides must ((provide current)) SHOW evidence of  
34 compliance with Maryland Department of Agriculture requirements.  
35  
36 G. All tanks of liquid fertilizers must have secondary containment ((with a volume equal to)) OF  
37 at least 110% of the largest tank within the ((containment)) CONTAINED area. All dry  
38 fertilizer storage must be under a permanent cover and protected from rainfall.  
39  
40 H. All facilities with underground injection wells must show evidence of compliance with all  
41 applicable MDE permits, consent orders, or other ((federal and state)) STATE actions,  
42 regarding the underground disposal of wastes.  
43  
44 I. All underground pipelines carrying hazardous materials shall be equipped with operable  
45 secondary release detection equipment and be protected against corrosion.  
46

- 1 J. All excess hazardous materials ((or petroleum products)) from the construction of any  
2 facility shall not be released to the environment and shall be removed from the property,  
3 unless such materials are incorporated into a contained hazardous material ((or petroleum  
4 products)) storage area.  
5
- 6 K. Reporting of spills. Any spill of a hazardous material ((or petroleum product)) shall be  
7 reported BY THE FACILITY OWNER by telephone to the ((Aberdeen Fire Department and  
8 Harford County Emergency Operations Center by dialing 911)) CITY OF ABERDEEN'S  
9 DEPARTMENT OF PUBLIC WORKS WITHIN TWO (2) HOURS OF DISCOVERY OF  
10 THE SPILL. CLEAN-UP SHALL COMMENCE IMMEDIATELY UPON DISCOVERY  
11 OF THE SPILL. A WRITTEN REPORT DETAILING THE STEPS TAKEN TO  
12 CONTAIN AND CLEAN-UP THE SPILL AND PREVENT A REOCCURRENCE SHALL  
13 BE SUBMITTED TO THE CITY OF ABERDEEN'S DEPARTMENT OF PUBLIC  
14 WORKS WITHIN FIVE (5) WORKING DAYS OF THE SPILL.  
15
- 16 L. Groundwater monitoring. If required by the ((Department of Public Works,)) CITY OF  
17 ABERDEEN'S WELLHEAD PROTECTION PLANNING TEAM, a ground water  
18 monitoring well(s) shall be installed at the expense of the facility owner or operator in  
19 accordance with an approved ground water monitoring plan. The permittee shall be  
20 responsible for developing an approved ground water monitoring system. A state-certified  
21 laboratory shall analyze samples and the results reported to the City of Aberdeen's Director  
22 of the Department of Public Works.  
23
- 24 M. Alterations and Expansion. The Director of ((the Department)) Planning and Community  
25 Development shall be notified in writing prior to the expansion, alteration, or modification of  
26 any activity that is subject to a conditional use. Approval BY THE DIRECTOR OF  
27 PLANNING AND COMMUNITY DEVELOPMENT is required before the activity subject  
28 to a conditional use can begin. The landowner or representative shall submit an explanation  
29 of the change in activity and the information as required by this chapter above.  
30
- 31 N. ((Compliance with the Aberdeen Code, Chapter 465, Stormwater Management. Chapter 465  
32 adopts by reference the 2000 Maryland Stormwater Design Manual, Volume I and II.))  
33 LARGE WASTEWATER DISPOSAL FACILITIES. ALL FACILITIES WITH  
34 WASTEWATER DISPOSAL GREATER THAN 5,000 GPD SHALL HAVE A STATE  
35 DISCHARGE PERMIT. ALL DEVELOPMENTS WITH ON-SITE DISPOSAL SHALL  
36 BE DESIGNED SO THAT THE AVERAGE NO3-N CONCENTRATION OF THE  
37 WATER RECHARGING THE SURFICIAL GROUND WATER AQUIFER UNDER THE  
38 PROPERTY SHALL NOT EXCEED 10 MILLIGRAMS PER LITER.  
39
- 40 O. STORMWATER INFILTRATION DESIGN. AT ALL FACILITIES PRACTICING  
41 STORMWATER INFILTRATION THE FOLLOWING DESIGN STANDARDS SHALL  
42 APPLY:  
43
- 44 (1) STORMWATER MANAGEMENT FACILITIES INCLUDING DRAINAGE SWALES,  
45 DETENTION PONDS, AND RETENTION PONDS SHALL BE DESIGNED IN A  
46 MANNER TO PROVIDE OPTIMAL PROTECTION OF THE GROUND WATER

1           RESOURCES. USES OF GRASS SWALES, OPEN SHOULDER ROADS AND  
2           GRASS FILTER STRIPS SHALL BE CONSIDERED AS FIRST OPTIONS IN PLAN  
3           DEVELOPMENT.  
4

5           (2) AT LEAST FOUR FEET OF SOIL MATERIAL IS REQUIRED BETWEEN THE TOP  
6           OF BEDROCK SURFACE OR HIGH WATER TABLE (WHICHEVER IS HIGHER)  
7           AND THE BOTTOM OF ANY STORMWATER INFILTRATION POND OR  
8           SYSTEM.  
9

10          (3) STORMWATER INFILTRATION SHALL BE PROHIBITED IN AREAS RECEIVING  
11          RUNOFF FROM HANDLING AND MIXING AREAS OF HAZARDOUS  
12          MATERIALS.  
13

14          (4) AT LEAST 80% OF THE PREDEVELOPMENT RECHARGE RATE SHALL BE  
15          PRESERVED FOLLOWING DEVELOPMENT. THE DESIGN SHALL BE MADE TO  
16          ENSURE THAT THIS RATE CAN BE MAINTAINED OVER THE LIFE OF THE  
17          FACILITY.  
18

19   § 524-15 **Subdivision and land development review.**  
20

21           ((A.)) The ((Departments)) DEPARTMENT of Planning and Community Development ((and  
22           Public Works)) shall review all subdivision proposals and other proposed new development  
23           plans within the Wellhead Protection ((Overlay)) District for compliance with the provisions of  
24           this chapter. It shall be the responsibility of THE DIRECTOR OF PLANNING AND  
25           COMMUNITY DEVELOPMENT ((both Departments)) to recommend approval, disapproval  
26           or approval with modifications of the proposed subdivision or development plan TO THE  
27           ABERDEEN PLANNING COMMISSION AND CITY COUNCIL.  
28

29           ((B. The Aberdeen Planning Commission shall review and recommend all subdivision  
30           proposals and other proposed new development plans within the Wellhead Protection Overlay  
31           District to the Mayor and City Council for approval.))  
32

1           **SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY**  
2 **OF ABERDEEN**, that this Ordinance shall become effective at the expiration of twenty (20)  
3 calendar days following adoption.

**COUNCIL OF THE CITY OF ABERDEEN**




Patrick L. McGrady, Mayor



Steven E. Goodin, Councilman



Sandra J. Landbeck, Councilwoman



Timothy W. Lindecamp, Councilman



Melvin T. Taylor, Councilman

ATTEST:

SEAL:



Monica A. Correll, City Clerk

Date August 20, 2018