

Ordinance # 07-05

AN ORDINANCE REGARDING PRIVATE WELL ABANDONMENT

The Village Board of the Village of Grantsburg, Wisconsin do ordain as follows:

SECTION I. SECTION RECREATED.

Section 9-3-6 of the Village of Grantsburg Code of Ordinances is repealed and recreated to read as follows:

Sec. 9-3-6 Private Well Abandonment.

- (a) **Purpose.** The purpose of this Section is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells, or wells which may serve as conduits for contamination, or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.
- (b) **Applicability.** This Section applied to all wells located within the Village of Grantsburg.
- (c) **Definitions.**
 - (1) **Municipal Water System.** A system for the provision to the public of piped water for human consumption when such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) year-round residents owned or operated by a city, village, county, town, town sanitary district, utility district or public institution as defined in Sec. 49.10(12)(f)1, Wis. Stats., or a privately owned water utility serving any of the above.
 - (2) **Noncomplying.** A well or pump installation which does not comply with the provisions of Ch. NR 812.42 Wis. Adm. Code, in effect at the time the well was constructed, a contamination source which was installed, the pump was installed, or work was done on either the well or pump installation.
 - (3) **Pump Installation.** The pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
 - (4) **Unsafe.** A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Chs. NR 809 or 140, Wis. Adm. Code, or for which a Health Advisory has been issued by the Wisconsin Department of Natural Resources.
 - (5) **Unused.** A well or pump installation which is not in use or does not have a functional pumping system.

- (6) Well. An excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
 - (7) Well Abandonment. The filling and sealing of a well according to the provisions of Ch. NR 812.26, Wis. Adm. Code.
- (d) **Abandonment Required.** All wells located on premises serviced by the municipal water system shall be abandoned in accordance with the terms of this Section and Ch. NR 812.42, Wis. Adm. Code, by no later than one (1) year from the date of connection to the municipal water system, whichever occurs last, unless a well operation permit has been obtained by the well owner from the Village of Grantsburg Water Utility.
- (e) **Private Well Operation Permit.** The Village of Grantsburg Water Utility may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years providing the conditions of this Section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this Section are met. The Village of Grantsburg or its agent may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Village of Grantsburg Water Utility, and a fee of \$30 shall be paid. The following conditions must be met for issuance or renewal of a well operation permit:
- (1) The well and pump installation meet or are upgraded to meet the requirements of Ch. NR 812, Wis. Adm. Code.
 - (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two (2) samplings taken a minimum of two (2) weeks apart. No exception to this condition may be made for unsafe wells, unless the Wisconsin Department of Natural Resources approves, in writing, the continued use of the well.
 - (3) There are no cross connections between the well and pump installation and the municipal water system.
 - (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system. Permits shall not be granted for a new domestic use private well. Permits may only be issued for existing or new non-domestic use private wells, used solely for a non-domestic consumption purpose such as gardening.
- (f) **Abandonment Procedures.**
- (1) All wells abandoned under the jurisdiction of this Section or rule shall be abandoned according to this procedures and method of Ch. NR 812, Wis. Adm. Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
 - (2) The owner of the well, or the owner's agent, shall notify the Village of Grantsburg Water Utility at least forty-eight (48) hours prior to

commencement of any well abandonment activities. The abandonment of the well shall be observed by a representative of the Village of Grantsburg Water Utility.

- (3) An abandonment report form, supplied by the Wisconsin Department of Natural Resources, shall be submitted by the well owner to the Village of Grantsburg Water Utility and the Wisconsin Department of Natural Resources within ten (10) days of the completion of the well abandonment.
- (g) **Penalties.** Any well owner violating any provision of this Section shall, upon conviction, be punished by forfeiture of not less than Twenty –five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this Section for more than ten (10) days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

Cross Reference: NR 812, Wis. Adm. Code

SECTION II. SEVERABILITY

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 8th day of October, 2007.

VILLAGE OF GRANTSBURG, WISCONSIN

/s/ Mark F. Dahlberg, Village President

/s/ Jennifer Zeiler, Village Clerk

Published on: October 17, 2007