

ORDINANCE 2017 - 6

AN ORDINANCE RENUMBERING CHAPTER 387 OF THE CODE OF ORDINANCES OF THE CITY OF RICHLAND CENTER RELATING TO ABANDONMENT AND SEALING OF UNUSED, UNSAFE OR SUBSTANDARD PRIVATE WELLS AND WELL OPERATION PERMITS TO CHAPTER 433 AND MAKING AMENDMENTS THERETO

The Common Council of the City of Richland Center, Wisconsin, does ordain as follows:

SECTION 1:

Chapter 387 of the Code of Ordinances is renumbered Chapter 433.

SECTION 2:

Renumbered Chapter 433 of the Code of Ordinances is amended to provide as follows:

**CHAPTER 433
ABANDONMENT AND SEALING OF UNUSED, UNSAFE OR
SUBSTANDARD PRIVATE WELLS AND PROVIDING FOR WELL
OPERATION PERMITS**

433.01 FINDING OF NECESSITY. The Common Council finds that unused or improperly constructed wells may serve as a passage for contaminated surface or near-surface waters or other contaminants into usable ground water from which the City secures its water supply. Therefore, in order to protect the public health, safety and welfare by preventing contamination of the municipal water supply, and pursuant to the mandate of Ch NR 810, Wisconsin Administrative Code, such unused or improperly constructed wells shall be properly abandoned and sealed.

433.02 DEFINITIONS.

(1) "Municipal Water System" means the municipal water system of the City of Richland Center.

(2) "Noncomplying" means a well or pump installation which does not comply with the provisions of Ch NR 812, Wisconsin Administrative Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

(3) "Pump Installation" means 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" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in excess of the standards of chs.

NR 809 or NR 140, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

(5) "Unused" means a well or pump installation which is not in use or does not have a functional pumping system.

(6) "Well" means 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" means the filling and sealing of a well according to the I provisions of ch. NR 812, Wisconsin Administrative Code.

(8) "Well Owner" shall be deemed to be the person who holds legal or equitable title of record to the lands upon which a well is located.

433.03 ABANDONMENT OF PRIVATE WELLS REQUIRED.

(1) Every private well located on any premises within the incorporation limits of the City of Richland Center shall be abandoned in accordance with the terms of this Chapter and ch. NR 812, Wisconsin Administrative Code, unless a well operation permit allowing the continued use of such well shall be obtained from the Richland Center City Utilities.

(2) Every private well located on a premises which is annexed to the City of Richland Center after the effective date of this Chapter shall, within one (1) year after the effective date of such annexation, be abandoned in accordance with the terms of this Chapter and ch. NR 812, Wisconsin Administrative Code, unless a well operation permit allowing the continued use of such well shall be obtained from the Richland Center City Utilities.

433.04 WELL OPERATION PERMITS.

(1) A permit may be granted by the Richland Center City Utilities to a well owner to operate a private well for a period of time not to exceed five (5) years from the date of issuance of the permit, when all of the following requirements are met:

(a) Prior to issuing the initial permit and no less than every 10 years thereafter, a licensed well driller or pump installer evaluates the well and pump system and certifies that the well and pump system satisfy the requirements of Ch. NR 812, Wisconsin Administrative Code.

(b) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by one sample taken prior to issuing or reissuing the permit. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.

(c) There exists a necessity for the continued use of the well as a source of water in

addition to the water supply provided by the public water system.

(d) There are no cross-connections between the well and pump installation to water provided by the municipal water system

(2) No permit may be issued unless the well owner first makes application therefore to the Richland Center City Utilities and pays the applicable permit fee. Renewal permits for a like period may upon re-application and payment of the applicable permit fee be issued where it is found that the permitted well continues to be operated and that all of the foregoing requirements continue to be met. The Richland Center City Utilities 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.

(3) A private well permit shall include conditions that must be met for the continued operation of the private well. A private well permit shall require that the well owner have the private well tested yearly, that the yearly test results be submitted to the Richland Center City Utilities, and that the yearly test results demonstrate that the well continues to produce bacteriologically safe water. If a well owner fails to meet permit conditions, the City shall revoke the private well permit, and the well owner shall abandon the well in accordance with the terms of this Chapter and ch. NR 812, Wisconsin Administrative Code.

(4) A private well permit is not transferable. If the property on which a private well is located is sold to a new owner, the new owner must apply for a new private well permit and meet the requirements of sub (1). A new owner can only demonstrate that there exists a need for the continued use of the private well if the new owner can show that the public water system is unable to provide ample water supply to the property.

433.05 METHOD OF ABANDONING AND SEALING WELLS; REPORTS AND INSPECTION.

(1) Wells required by this Chapter to be abandoned shall be filled and sealed pursuant to the procedures set forth in Chapter NR 812, Wisconsin Administrative 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 Richland Center City Utilities not less than 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by an employee or agent of the Richland Center City Utilities.

(3) A well abandonment report form supplied by the Department of Natural Resources, shall be submitted by the well owner to Richland Center Richland Center City Utilities and the Department of Natural Resources within 10 days after the completion of the well abandonment.

433.06 ENFORCEMENT OFFICER. Any employee or agent of the Richland Center

City Utilities designated by the Richland Center Utility Commission shall have the power to search out and examine any private well or suspected private well within the City of Richland Center for purposes of enforcing the provisions of this Chapter. Where needed, the special inspection warrant procedure under sec. 66.0119 Wis. Stats. may be utilized.

433.07 DECLARATION OF PUBLIC NUISANCE; PENALTIES.

(1) Any private well within the City of Richland Center for which there is not a valid well operation permit or which has not been abandoned and sealed as required by this Chapter shall be deemed a public nuisance, and may be proceeded against as such.

(2) Any person who shall violate or fail or refuse to comply with any section of this Chapter shall, upon conviction thereof, forfeit to the City of Richland Center not less than \$100.00 nor more than \$500.00, together with the costs of prosecution and any applicable penalty assessment, and in the event such forfeiture, costs and assessment are not paid, such person may, by order of the Circuit Court, be imprisoned in the Richland County Jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days or may be subject to any other sanctions imposed by the Court or by law for such failure to pay.

(3) Each day that a violation is maintained or permitted to exist shall constitute a separate offense.

(4) Proceedings against a violation as a public nuisance shall not be deemed a waiver of the right to proceed for a forfeiture based upon the same violation. Imposition of a forfeiture shall not be deemed a waiver of the right to proceed against a violation as a public nuisance.

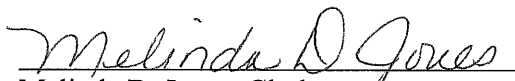
SECTION 3: EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication.

Enacted the 17th day of October, 2017


Paul F. Corcoran, Mayor

ATTEST:


Melinda D. Jones, Clerk