

Chapter 98 UTILITIES*

***Cross references:** Water, sewer and electric rates, rules and regulations of sewer and water main construction saved from repeal, § 1-10(13); administration, ch. 2; buildings and building regulations, ch. 14; businesses, ch. 18; health and welfare, ch. 42; mobile homes, ch. 54; planning, ch. 66; public nuisances, ch. 70; solid waste, ch. 78; streets, sidewalks and other public places, ch. 82; subdivisions, ch. 86; tree regulations with regard to utilities, § 102-69.

State law references: Authority regarding utilities generally, Wis. Stats. § 197.01 et seq.; regulation of public utilities generally, Wis. Stats. § 196.01 et seq.

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ARTICLE IV. PRIVATE WELLS

DIVISION 1. GENERALLY

Sec. 98-121. Applicability.

This article shall apply to all private wells, however constructed or utilized, from which subterranean waters or groundwaters are drawn, whether for consumption, irrigation or other purposes, and shall specifically include sand point wells, excepting that contractors may utilize sand pointing for construction purposes without meeting the registration or permit requirements under this article.

(Code 1983, § 13.13(8))

Sec. 98-122. Private well registration and permit procedure; purpose.

The city council finds and determines that private wells are a known pathway for the entrance of contaminants into groundwater aquifers that also supply the city's public water source and into the city's public water system if such private wells are interconnected. Contamination of the city's water supply would affect the health, safety and general welfare of city residents, particularly since contamination, once introduced, is extremely difficult to correct. Therefore it is necessary and in the public interest that all wells within the corporate limits of

the city shall be effectively monitored and regulated as set forth.

(Code 1983, § 13.13(1))

Sec. 98-123. Registration of wells.

No well shall be constructed and installed, nor shall any existing well be maintained unless the same are registered with the water utility commission and the city council by the owner of the property upon which the same are located and are in compliance with all the requirements of this article. Owners shall apply for well registration upon forms provided by the water utility commission, which shall include, at a minimum, the following information:

- (1) Specific location.
- (2) Age of well.
- (3) Depth of well.
- (4) Width of well.
- (5) Type of casing.
- (6) Depth of casing.
- (7) Intended use.

(Code 1983, § 13.13(2))

Secs. 98-124--98-140. Reserved.

DIVISION 2. PERMIT

Sec. 98-141. Required.

No well shall be constructed, installed or maintained unless a permit is issued by the water utility commission upon registration as required in section 98-123. Prior to issuance of a permit, the water utility commission shall cause water samples from the well to be tested for coliform bacteria or other substances of concern. If the water utility commission determines that the well construction is consistent with reasonable engineering and health standards, and that the water sample therefrom is not contaminated, the commission shall issue a permit for the well, subject to approval of the city council.

(Code 1983, § 13.13(3))

Sec. 98-142. Fee.

Every person requesting a well permit shall pay a fee of \$25.00 plus the actual cost of the water sample test performed on the specific well for which the permit is sought. Such fee shall be payable upon issuance of the permit.

(Code 1983, § 13.13(4))

Sec. 98-143. Conditions.

The right to construct, install or maintain a well as authorized by any permit under this division shall be expressly conditioned upon the owners and successors in interest agree that:

- (1) The owners shall permit the water utility commission or its designee access to the well for inspection and testing once every three years after issuance of the permit.
- (2) No repair or modification of any well will be performed unless prior notification is given to the water utility commission, who shall be permitted reasonable opportunity for plan review and inspection.
- (3) The city shall have the right to cause water samples to be tested for coliform bacteria or other substances of concern after completion of such repairs or modifications.
- (4) The cost of any testing provided for in this section shall be paid by the owner upon invoice by the city.

(Code 1983, § 13.13(5))

Sec. 98-144. Revocation; appeal.

- (a) A permit issued in accordance with the provisions of this division shall be revoked by the water utility commission upon notice to the permittee that any of the following has occurred:
 - (1) The owner of any well has refused access to a well for testing.
 - (2) The owner of any well has neglected to pay for any tests authorized by section 98-141 or 98-143(a) within 30 days of billing or invoice.
 - (3) The test results demonstrate that the well is contaminated and does not meet reasonable health standards for potable water. However, the water utility commission shall order a second test prior to revoking any permit; and any order of revocation shall be based on the results of both tests.
 - (4) If the water utility commission determines that a well does not meet the standards of subsection (3), but is not being used for personal consumption and such use does not create an apparent health hazard, the commission may exempt such well from being in compliance with the provisions of subsection (3) provided the owner receives department of natural resources approval in writing, for the continued use of the well. However, the owner shall be required to place a notice near such well visible to the users thereof which states "this well is unsafe for drinking water."
- (b) Parties aggrieved by any permit revocation may appeal that decision to the board of public works by filing a written petition for review with the clerk/treasurer.

(Code 1983, § 13.13(6))

Sec. 98-145. Abandonment of well.

Upon revocation of any well permit in accordance with the provisions of this division, the water superintendent shall issue an order directing the property owner to permanently abandon the well in accordance with the methods for abandonment set forth in Wis. Admin. Code ch. NR 811.26. Failure to abandon any well after revocation of a permit is found to be a public nuisance, and the city may cause such well to be properly abandoned, and the cost shall be borne by the owner of the affected property.

(Code 1983, § 13.13(7))

Secs. 98-146--98-160. Reserved.

DIVISION 3. NONCOMPLYING PRIVATE WELLS AND SYSTEMS

Sec. 98-161. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Municipal water system means a system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 year-round residents owned or operated by a city, village, county, town, town sanitary district, utility district or public institution as defined in Wis. Admin. Code NR § 811.02(7) or a privately owned water utility serving any of the above.

Noncomplying means a well or pump installation that does not comply with the provisions of Wis. Admin. Code ch. NR 812 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.

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.

Unsafe means a well or pump installation that produces water that is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Wis. Admin. Code ch. NR 809 or 140, or for which a health advisory has been issued by the department of natural resources.

Unused means a well or pump installation that is not in use or does not have a functional pumping system.

Well means an excavation or opening into the ground made by digging, boring, driving or other methods for the purpose of obtaining groundwater for consumption or other use.

Well abandonment means the filling and sealing of a well according to the provisions of Wis. Admin. Code ch. NR 812.

(Ord. No. 90-06, § 3, 1-14-1991)

Cross references: Definitions generally, § 1-2.

Sec. 98-162. Purpose.

The purpose of this division is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells, or wells that may serve as conduits for contamination, or wells that may be illegally cross connected to the municipal water system, are properly abandoned.

(Ord. No. 90-06, § 1, 1-14-1991)

Sec. 98-163. Applicability.

This division applies to all wells located on premises served by the city municipal water system.

(Ord. No. 90-06, § 2, 1-14-1991)

Sec. 98-164. Abandonment required.

All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of the ordinance from which this division is derived and Wis. Admin. Code ch. NR 812 by June 1, 1991, or no later than one 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 city water utility commission.

(Ord. No. 90-06, § 4, 1-14-1991)

Sec. 98-165. Well operation permit.

The water utility commission may grant a permit to a private well owner to operate a well for a period not to exceed five years providing the conditions of this division are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this division are met. The water utility commission 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 clerk/treasurer. 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 Wis. Admin. Code ch. NR 812.
- (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two samplings taken a minimum of two weeks apart. 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.

- (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.

(Ord. No. 90-06, § 5, 1-14-1991)

Sec. 98-166. Abandonment procedures.

- (a) All wells abandoned under the jurisdiction of this division shall be abandoned according to the procedures and methods of Wis. Admin. Code ch. NR 812. All debris, pump, piping, unsealed liners and any other obstructions that may interfere with sealing operations shall be removed prior to abandonment.
- (b) The owner of the well shall notify the clerk/treasurer at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well may be observed by the city administrator/public works director.
- (c) An abandonment report form, supplied by the department of natural resources, shall be submitted by the well owner to the clerk/treasurer and the department of natural resources within ten days of the completion of the well abandonment.

(Ord. No. 90-06, § 6, 1-14-1991)

Sec. 98-167. Penalties.

Any well owner violating any provision of this division shall upon conviction be punished by forfeiture of not less than \$5.00 nor more than \$500.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this division for more than ten days after receiving written notice of the violation, the city 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. Penalty provisions are detailed in section 1-17.

(Ord. No. 90-06, § 7, 1-14-1991)