ORDINANCE 240 - VILLAGE OF STETSONVILLE
WELL ABANDONMENT AND WELL OPERATION PERMIT ORDINANCE

WHEREAS, § NR 811.110, Wisconsin Administrative code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or non-complying wells located on the premises served by their system, and to provide a permit system to allow retention of safe and code complying wells, by local ordinance or water utility rule, to eliminate sources of unsafe water and to prevent such wells from becoming channels for vertical movement of contaminated water and to eliminate all existing cross-connections and prevent all future cross-connections.

NOW THEREFORE, the Village of Stetsonville, Taylor County, Wisconsin, does ordain as follows:

SECTION 1: PURPOSE
To protect public health, safety and welfare and to prevent contamination of groundwater assuring that unused, unsafe or non-complying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.

SECTION 2: APPLICABILITY
This Ordinance applies to all wells located on premises serviced by the Stetsonville municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 1 above.

SECTION 3: DEFINITIONS
A. "Municipal water system" means a community water system owned by a city, village, county, town, sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
B. "Non-complying" means a well or pump installation which does not comply with §Nr 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to §Nr 812.43, Wisconsin Administrative Code.
C. "Pump installation" means the pump and related equipment used for withdrawing water from a well, including the piping, the underground connections, pit less adapters, pressure tanks, pits, sampling faucets and well seals or caps.
D. "Unsafe" well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of chs. NR 140 or 809, Wisconsin Administrative Code, or for which a health Advisory has been issued by the Department of Natural Resources.
E. "Unused" well or pump installation means one which is not used or does not have a functional pumping system.
F. "Well" means a drillhole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.
G. "Well Abandonment" means the proper filling and sealing of a well according to the provisions of §NR 812.26, Wisconsin Administrative Code.

SECTION 4: ABANDONMENT REQUIRED
A. All wells located within the southeast quadrant of the Village, South of CTH "A" and east of STH "13", shall be properly abandoned in accordance with Section 6 of this ordinance, not later than 90 days from the date of connection to the municipal water system.

B. All wells in the remaining quadrants of the Village, served by the municipal water system shall be properly abandoned in accordance with Section 6 of this ordinance not later than 90 days from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Village of Stetsonville under terms of Section 5 of this ordinance.

SECTION 5: WELL OPERATION PERMIT

Owners of wells on premises served by the Stetsonville municipal water system wishing to retain their private wells for any use, shall make application for a well operation permit for each well no later than 90 days after connection to the municipal water system. The Village of Stetsonville shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The Village of Stetsonville may require inspections and water quality tests to be 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. All initial and renewal applications must be accompanied by a fee to $50.00.

The following conditions must be met for issuance or renewal of a well operation permit:

(1) The well and pump installation shall meet the Standards for Existing Installations described in §NR 812.42, Wisconsin Administrative Code.
(2) The well and pump shall have a history of producing safe water, evidence by at least 2 coliform bacteria samples, taken within 60 days of the date of permit application and taken a minimum of 2 weeks apart. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water. Water sampling and testing shall be at the well owner's expense.
(3) Ther shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
(4) The water from the private well shall not discharge into a drain directly to a public sanitary sewer utility unless properly metered and authorized by the Stetsonville sewer utility.
(5) The private well shall have a functional pumping system.
(6) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.
(7) The well shall not be located in the southeast quadrant of the Village (south of CTH "A" and east of STH "13")

SECTION 6: ABANDONMENT PROCEDURES

A. All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of § NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment
B. The owner of the well, or the owner's agent, shall notify the Village Clerk at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel from the Stetsonville Water Utility.
C. An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Village Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment.

SECTION 7: PENALTIES
Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than $50.00 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 ordinance for more than 30 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.

SECTION 8: SEVERABILITY
If any section, subsection, sentence, clause or phrase of the Ordinance is, for any reason, held to be invalid, such decisions shall not affect the validity of the remaining portions of the ordinance. The Village hereby declares that it would have passed this Ordinance and section, subsection, clause and phrase thereof irrespective of the fact that nay one or more sections, subsections, sentences, clauses, and phrases to be declared unconstitutional.

Adopted at an official meeting of the Village of Stetsonville, Wisconsin, this eighth day of February 2011.

/s/ *Greg Brunner,* Village President

/s/ *Luanne Olson,* Village Clerk