

PART V PUBLIC AND PRIVATE UTILITIES

Chapter 54 WELLS

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54.01 APPLICABILITY

- A. All private wells on any premises within the corporate limits of the village of Lake Delton which are served by the municipal water system shall be abandoned in accordance with this Ordinance if they are unused, unsafe, or found to be in non-compliance with NR 112 of the Wisconsin Administrative Code. A private well may be temporarily abandoned under NR 111.26 (2) of the Wisconsin Administrative Codes.
- B. All wells located on premises served by the municipal water system shall be abandoned within one year after connection with that system becomes available.
- C. A well for which a well operation permit has been granted by the village may be exempted from the requirements of this section.

54.02 WELL OPERATION PERMITS

- A. A permit may be granted to a well owner to operate a private well within the area served by the municipal water system for a period not to exceed 5 years. At the end of the permit period, the well owner may apply for a new permit. Application for a well operation permit shall be made on forms provided by the village.
- B. Permits may be granted if all of the following requirements are met:
 - 1. The well and pump installation meet the requirements of Chapter NR 112, Wisconsin Administrative Code, and a well constructor's report is on file with the Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.

2. In the event the well is used for drinking water, water tests on samplings taken on at least three (3) occasions each two weeks apart shall show the water is bacteriologically safe.
3. The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
4. No physical connection shall exist between the piping of the public water system and the private well.

54.03 ABANDONMENT METHODS

Wells shall be abandoned in accordance with Chapter NR 112.21 of the Wisconsin Administrative Code.

54.04 REPORTS AND INSPECTIONS

In addition to reporting required under Chapter NR 112.21 of the Wisconsin Administrative Code, the village public works department shall be notified of the time the well abandonment work will be performed.

54.05 PENALTIES

Any well owner violating any provision of this Ordinance shall forfeit to the village an amount not to exceed \$20.00 per violation. Each day during which the violation exists shall be deemed to be and shall constitute a separate offense.

54.06 SEVERABILITY

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

54.07 Private wells and well abandonment regulated

A. Purpose. The purpose of Article II is to regulate the use and abandonment of wells within the village of Lake Delton in order to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells, wells which may serve as conduits for contamination of wells that may be illegally cross-connected to the municipal water system are properly abandoned.

B. Applicability. This Article II applies to all wells located within the village of Lake Delton.

54.08 Definitions

As used in this Article II the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

A. Licensed contractor. A well driller or pump installer licensed by the Department of Natural Resources.

B. Noncompliance. A well or pump installation that does not comply with the provisions of Article II, the village building code or Chapter NR 812 Wisconsin Administrative Code as amended.

- C. Pump installation. The pump and related equipment used for withdrawing water for a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
- D. Unsafe. A well or pump installation that produces water that is contaminated by bacteria or other substances in excess of the standards set by the Wisconsin Department of Natural Resources.
- E. Unused. A well or pump installation that is not in use or does not have a functional pumping system.
- F. Well. An excavation or opening into the ground made by digging, boring, driving or other methods for the purpose of obtaining water.
- G. Well abandonment. The filling and sealing of a well.

54.09 Private well operation permit

- A. Well operation permit required. No landowner or land user may operate a well within the village without receiving a well operation permit. The landowner or land user controlling or using the well and desiring to obtain a permit therefore, shall submit an application for a well operation permit and pay the application fee. By submitting an application, the applicant is authorizing the village well inspector to enter the site to inspect the well.
- B. Abandonment required. All private wells on any premises within the corporate limits of the village of Lake Delton that are served by the municipal water system shall be abandoned in accordance with this Article II within one year after connection with the municipal water system, unless a well operation permit is obtained. All wells for which a permit has expired or been revoked or denied shall be abandoned within 60 days of the expiration or revocation of the permit.
- C. Transfer of ownership of property with non-complying well. It shall be unlawful for the owner of any premises that has a non-complying well to sell, transfer or convey said premises until the provisions of this Article II are met or until such owner shall first furnish to the well inspector a signed and notarized statement from the grantee or transferee, acknowledging the existence of a non-complying well and fully accepting the responsibility without condition for abandoning said well or obtaining a well operation permit.
- D. Procedure for issuance. A well operation permit may be granted to operate a private well for a period not to exceed one year. At the end of the permit period, the well owner may apply for a new permit. Application for a well operation permit shall be made on forms the village provides.
- E. Permit requirements. Permits may be granted if all of the following requirements are met:
 - 1. The well and pump installation meet the requirements of the village building code and Chapter NR 812, Wisconsin Administrative Code, as certified by the Department of Natural Resources or a licensed pump installer or well driller.
 - 2. The well construction and pump installation must produce bacteriologically safe water and produce water free from contaminant levels exceeding the permitted levels of the drinking water standards of Wisconsin Administrative Code NR 812.06. The well construction and pump installation shall be tested in accordance with the regulations promulgated by the Department of Natural Resources. The testing shall be at least two (2) samplings taken a minimum of two (2) weeks apart. The village of Lake Delton or its agents shall conduct such tests.
 - 3. The well cannot be used for human consumption.

4. The well's proposed use can be justified as being necessary in addition to water provided by the public water system.
 5. No physical connection shall exist between the piping of the public water system and the private well.
 6. The well operation permit fee has been paid.
- F. Permit term. The application for well operation permits shall be filed on or before August 1st of each year. The well operation permit shall be issued annually and be effective from October 1st through September 30th of the following year.
- G. Fees for well operation permit shall be as established by this Article II and paid upon filing the application.

54.10 Private well abandonment permit

All wells shall be abandoned in accordance with Chapter NR 812 of the Wisconsin Administrative Code and as amended. All well abandonments shall be performed by licensed contractors, or under the village well inspector's direct supervision.

- A. Permits. No well shall be abandoned without first obtaining a permit as provided hereunder.
- B. Procedure for issuance. Applications for well abandonment permit shall be submitted to the village clerk along with the non-refundable application fee.
- C. Requirements. The following requirements shall be the minimum standards when an application for a well abandonment is received by the village:
 1. Upon filing the application, the village clerk shall review the application and determine if the well abandonment is to be performed by a licensed contractor. If so, then the permit for abandonment shall be issued and the well inspector notified.
 2. If the well abandonment is to be performed by someone other than a licensed contractor, the village clerk shall refer the applicant to the village well inspector. Upon receipt of an application, the village well inspector shall schedule the well abandonment and issue a conditional permit to the applicant. The conditional permit shall authorize the applicant or his duly authorized agent or contractor to abandon the well provided the well inspector is present to inspect the abandonment process.
 3. Well abandonment procedure shall be completed within sixty days of the application unless the well inspector grants an extension.
- D. Well abandonment report. At the well abandonment completion, a copy of the well abandonment report filed with the Wisconsin Department of Natural Resources shall be filed with the village well inspector.
- E. Certificate of abandonment. The village well inspector shall issue a certificate of abandonment after confirming that all state and local regulations have been followed.

54.11 Village well inspector

The village board hereby establishes the office of village well inspector. The village president shall appoint the village well inspector subject to village board approval. The village well inspector shall be responsible for inspecting wells, reviewing applications for well operation permits, reviewing applications for well abandonment permits and inspecting abandoned wells, maintaining records and files on operating and abandoned wells within the village, and enforcing the provisions of this Article II as well as state and federal laws and regulations concerning well operation and abandonment.

54.12 Fees and costs

A. The following is the schedule for fees for permits required by this Article II:

Well Abandonment Permit:	\$50.00
Well Operation Permit:	\$100.00
Re-inspection fee:	\$250.00

B. In addition to the above fees, charges will be assessed for services provided by the well inspector or his designee as required under this Article II. In addition, the owner shall pay all costs the village incurs for testing water and wells. In the event the owner fails to pay the village for fees and costs, no certificate of abandonment shall be issued and the amount due and owing the village shall be placed on the real estate tax bill as a special charge pursuant to s. 66.0627, Wis. Stats.

54.13 Enforcement

A. Enforcement authority. The well inspector is hereby made responsible for the enforcing this Article II. All inspections, enforcement, orders or matters relating to violations of this Article II shall be under his direction and supervision. He may appoint or designate such other village public officials or employees to perform duties as may be necessary to the enforcement.

B. Well inspector identification. The well inspector shall be supplied with official identification and upon request shall exhibit such identification when entering any premises subject to this Article II.

C. Seal on well

1. In the event the well inspector determines a well or pump installation is unsafe or non-complying, the well inspector shall cause to be placed upon the well or pump installation a seal that shall state the well or pump installation is non-complying and not to be used. No person shall deface or remove the seal placed by the well inspector from any well or pump installation until the well inspector authorizes removal of such seal.

2. Any well the well inspector has determined as being unsafe or non-complying shall be abandoned within sixty (60) days.

3. No well the well inspector has determined as unsafe or non-complying as provided herein shall again be used until the well inspector provides written approval and removes such seal. The well inspector shall grant such approval and remove such seal in the event the violations have been corrected and the well inspector determines the well or pump installation is in compliance with state code and all village codes.

54.14 Penalties

Any well owner violating any provision of Article II may be compelled to re-abandon any well abandoned in violation of this Article II. Any such re-abandonment shall be conducted with the village well inspector present during the re-abandonment process. In addition, any violation of this Article II shall result in the forfeiture to the village an amount not to exceed \$100.00 per violation. Each day during which the violation exists shall be deemed to be and shall constitute a separate offense.

54.15 EFFECTIVE DATE

This ordinance shall be effective from and after its passage and publication as provided by law.