

ORDINANCE NUMBER 9-1-50
PRIVATE WELL ABANDONMENT

The Village Board of the Village of Spencer, Marathon County, Wisconsin, do ordain as follows:

Section 9-1-50 (a) is amended by removing <í serveí > and by adding <í actí of groundwaterí maintained orí >

Section 9-1-50 (a) is amended to read: **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 non-complying wells, or wells which may serve 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 9-1-50 (b) is amended by adding <...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 the purpose stated in Section (a) above. >

Section 9-1-50 (b) is amended to read: **Applicability.** This Section applies to all wells located on premises served by the Village of Spencer 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 the purpose stated in Section (a) above.

Section 9-1-50 (c)(2) is amended by removing < í the provisions of Ch. NR 112, Wis. Adm. 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. > and adding <í s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code. >

Section 9-1-50 (c)(2) is amended to read: Non-complying. A well or pump installation which does not comply with the provisions of Ch. NR 112, Wis. Adm. 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 s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.

Section 9-1-50 (c)(4) is amended by removing <í in exceedance of the standards of Chs., NR 109 or 140í > and adding <...which exceed the drinking water standards of chs. NR 140 or 809í >

Section 9-1-50 (c)(4) is amended to read: 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 109 or 140~~ which exceed the drinking water standards of chs. NR 140 or 809, Wis. Adm. Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

Section 9-1-50 (c)(6) is amended by removing < 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. > and adding < 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. >

Section 9-1-50 (c)(6) is amended to read: 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~~ 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.

Section 9-1-50 (c)(7) is amended by removing <í Ch. NR 112í > and adding <í properí s. NR 812.26í >

Section 9-1-50 (c)(7) is amended to read: Well Abandonment. The proper filling and sealing of a well according to the provisions of ~~Ch. NR 112~~ s. NR 812.26, Wis. Adm. Code.

Section 9-1-50 (d) is amended by removing <í the terms of thisí and Ch. NR 112, Wis. Adm. Code,í obtained byí > and adding <í (f) of this ordinanceí validí issued toí , under the terms of this section. >

Section 9-1-50 (d) is amended to read: **Abandonment Required**. All wells located on premises served by the municipal system shall be abandoned in accordance with the terms of this Section and ~~Ch. NR 112, Wis. Adm. Code,~~ (f) of this ordinance by October 31, 1991, or no later than one (1) year from the date of connection to the municipal water system whichever occurs last, unless a valid well operation permit has been ~~obtained by~~ issued to the well owner from the Village of Spencer, under the terms of this section.

Section 9-1-50 (e)(1) is amended by removing <í theí informationí or have water quality testsí > and by adding <í Owners of wells on premises served by the municipal water system wishing to retain their 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 systemí allí an applicationí and water quality tests or require inspections and water quality tests to beí >

Section 9-1-50 (e)(1) is amended to read: Owners of wells on premises served by the municipal water system wishing to retain their 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 Spencer may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years providing the all conditions of this Section are met. An owner may request renewal of a well operation permit by submitting information an application verifying that the conditions of this Section are met. The Village of Spencer or its agent may conduct inspections or have water quality tests and water quality tests or 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-Treasurer.

Section 9-1-50 (e)(2)(a) is amended by removing <í or are upgraded to meet the requirements of Ch. NR 112, Wis. Adm. Codeí > and adding <í the Standards for Existing Installations described in s. NR 812.42, Wisconsin Administrative Code. The well and pump system shall be evaluated by a licensed well driller or pump installer and certified on the Wisconsin Well and Pressure System Inspection Form 3300-221 to comply with ch. NR812 subch. IV, prior to issuing the initial permit and no less that every 10 years afterwardsí >

Section 9-1-50 (e)(2)(a) is amended to read: The well and pump installation meet or are upgraded to meet the requirements of Ch. NR 112, Wis. Adm. Code the Standards for Existing Installations described in s. NR 812.42, Wisconsin Administrative Code. The well and pump system shall be evaluated by a licensed well driller or pump installer and certified on the Wisconsin Well and Pressure System Inspection Form 3300-221 to comply with ch. NR812 subch. IV, prior to issuing the initial permit and no less that every 10 years afterwards.

Section 9-1-50 (e)(2)(b) is amended by removing <í constructioní installationí bacteriologically safe water as evidenced by at least one (1) sampling. 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 wellí > and adding <í shallí safe water evidenced by at least 1 coliform bacteria sample. 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 waterí >

Section 9-1-50 (e)(2)(b) is amended to read: The well construction and pump installation shall have a history of producing bacteriologically safe water as evidenced by at least one (1) sampling. 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 safe water evidenced by at least 1 coliform bacteria sample. 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.

Section 9-1-50 (e)(2)(c) is amended by removing <í well andí ; andí > and adding <í welløí or distribution pipingí >

Section 9-1-50 (e)(2)(c) is amended to read: There are no cross-connections between the well and wellø pump installation or distribution piping and the municipal water system; and.

Section 9-1-50 (e)(2)(d) is amended by removing <í and pump installation caní being necessaryí > and adding <í privateí shallí reasonableí >

Section 9-1-50 (e)(2)(d) is amended to read: The proposed use of the private well and pump installation can shall be justified as being necessary reasonable in addition to water provided by the municipal water system.

Section 9-1-50 (e)(2)(e) is created to read: The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.

Section 9-1-50 (e)(2)(f) is created to read: The private well shall have a functional pumping system.

Section 9-1-50 (f)(1) is amended by removing <í amendedí Ch. NR112í pumpí > and adding <í doneí s. NR 812.26í pumpsí >

Section 9-1-50 (f)(1) is amended to read: All wells abandoned under the jurisdiction of this ordinance or rule shall be abandoned done according to the procedures and methods of Ch. NR 112 s. NR 812.26, Wis. Adm. Code. All debris, pump pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

Section 9-1-50 (f)(2) is amended by removing <í prior to commencementí shallí by the Village Boardí > and adding <í in advanceí mayí or verified by personnel of the municipal systemí >

Section 9-1-50 (f)(2) is amended to read: The owner of the well, or the owner's agent, shall notify the Clerk-Treasurer at least forty-eight (48) hours prior to

commencement in advance of any well abandonment activities. The abandonment of the well shall may be observed by the Village Board or verified by personnel of the municipal system.

Section 9-1-50 (f)(3) is amended by removing <í by the well ownerí > and adding <í The form must be completed by the licensed well driller, pump installer, or certified operator performing the abandonmentí >

Section 9-1-50 (f)(3) is amended to read: 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 thirty (30) days of the completion of the well abandonment. The form must be completed by the licensed well driller, pump installer, or certified operator performing the abandonment.

Section 9-1-50 (g) is created to read: **Penalties.** Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than \$25.00 (Twenty Five Dollars) nor more than \$100.00 (One Hundred Dollars) 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.

Dated this _____ day of August, 2014

Pauline Frome
Village President

ATTEST:

Thaddeus Kubisiak
Village Clerk

Passed: August _____, 2014
Approved: August _____, 2014
Published: August _____, 2014