

**CITY OF ALGOMA
COUNTY OF KEWAUNEE
STATE OF WISCONSIN**

**COMMON COUNCIL
ORDINANCE NO. 792 – 2016**

**AN ORDINANCE AMENDING SECTION 13.09 OF THE
CODE OF ORDINANCES OF THE CITY OF ALGOMA, WISCONSIN
RELATING PRIVATE WELL TESTING**

WHEREAS: The Common Council of the City of Algoma has the authority to promote the public health, safety and welfare pursuant to the general grant of authority to the City according to Wisconsin Statutes, Section 62.11 (5); and

WHEREAS: The Common Council of the City of Algoma has the authority to provide funds for planning, developing, purchasing, acquiring, constructing, reconstructing, extending, improving, controlling, conducting, operating or managing a public water system within its corporate limits for the production, treatment, storage, transmission, distribution, purchase, sale and exchange of water under the provisions of Section 66.0801, Wisconsin Statutes; and

WHEREAS: The Common Council of the City of Algoma owns and operates a municipal water system; and

WHEREAS: NR 810.16, Wisconsin Administrative Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or noncomplying 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 prevent such wells as acting as channels for contamination or vertical movement of water and to eliminate all existing cross connections and prevent all future cross-connections; and

WHEREAS: The Wisconsin Department of Natural Resources (DNR) has determined that the well and pump shall have a history of producing safe water evidenced by at least 1 coliform bacteria sample, instead of 2 samples; and

WHEREAS: The Common Council of the City of Algoma declares, as a matter of legislative determination, that it is necessary and in the public interest for the City to promote the public health, safety and welfare for users of this municipal water system to comply with this determination by the DNR.

NOW, THEREFORE the Common Council of the City of Algoma does ordain that:

- I. Section 13.09 of the City of Algoma Code of Ordinances is repealed.
- II. Section 13.09 of the City of Algoma Code of Ordinances is recreated to read as follows:

“13.09 WELL ABANDONMENT AND WELL OPERATION PERMITS

- (1) **PURPOSE:** 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 serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.
- (2) **APPLICABILITY:** This ordinance applies to all wells located on premises served by the City of Algoma municipal water system.
- (3) **DEFINITIONS:**
 - a. "Municipal water system" means a system for the provision to the public of piped water for human consumption, if a system has at least 15 service connections or regularly serves at least 25 year-round residents owned or operated by a city, village, town, county, sanitary district, utility district or public institution, as defined in NR811, 02, or a privately owned water utility serving any of the above.
 - b. "Non-complying" means a well or pump installation which does not comply with the provisions of 812.42, Wisconsin Administrative Code, Standards for Existing Installation, and which has not been granted a variance pursuant to S. NR812.43, Wisconsin Administrative Code.
 - c. "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.
 - d. "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Ch., NR140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
 - e. "Unused" means a well or pump installation which is not in use or does not have a functional pumping system.
 - f. "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.
 - g. "Well Abandonment" means the filling and sealing of a well according to the provisions of NR 812.26, Wisconsin Administrative Code.
- (4) **ABANDONMENT REQUIRED:** All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this ordinance and NR812.26 Wisconsin Administrative Code no later than one (1) year from the date of connection to the municipal water system unless a well operation permit has been obtained by the well owner from the Algoma Utility.
- (5) **WELL OPERATION PERMIT:** Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make applications for a well operation permit for each well no later than 180 days after connection to the municipal water system. Algoma Utilities 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. Algoma Utilities, or its agent, may conduct inspections 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 permit application or renewal. Permit applications and renewals shall be made on forms provided by the Utility. All initial and renewal applications must be accompanied by a fee of \$50, or the amount established in the City of Algoma Fee Schedule. The following conditions must be met for issuance or renewal of a well operation permit:

- a. The well and pump installation shall meet the Standards for existing Installations described in s. NR 812.42, Wisconsin Administrative Code.
- b. The well and pump shall have a history of producing 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.
- c. There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
- d. 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.
- e. The private well shall have a functional pumping system.
- f. The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

(6) ABANDONMENT PROCEDURES:

- a. All wells abandoned under the jurisdiction of this ordinance or rule shall be abandoned according to the procedures and methods of NR812.26. All debris, pump, 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 Algoma Utility at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Algoma Utility.
- c. An abandonment report from supplies by the DNR shall be submitted by the well owner to the Algoma Utility and the DNR within 20 days of the completion of the well abandonment."

III. This ordinance shall take effect upon passage, posting and publication as provided by law.

ADOPTED BY ORDER of the Common Council of the City Of Algoma, Wisconsin at a regular meeting thereof on the 6 day of September, 2016, by a vote of ___ for and ___ opposed.

Approved:

Wayne R. Schmidt
Wayne R. Schmidt,
Mayor of the City of Algoma

Attest:

Jeffrey L. Wiswell
Jeffrey L. Wiswell, Sr.,
Administrator – Clerk – Treasurer of the City of Algoma

