

ORDINANCE NO.: 4767

AN ORDINANCE to amend Section 4.20 of the Code of Ordinances of the City of La Crosse relating to Private Well Abandonment.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 4.20 is hereby amended to read as follows:

4.20 PRIVATE WELL ABANDONMENT and WELL OPERATION PERMIT.

(A) PURPOSE.

To prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying private wells or private wells which may ~~serve~~ act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the City municipal water system, are properly maintained or abandoned.

(B) APPLICABILITY.

This ordinance applies to all private wells located on premises served by the City of La Crosse 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 (A) above.

(C) DEFINITIONS.

- (1) "Municipal water system" means a community water system owned by a city, village, county, town, 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.

(12) "Noncomplying" means a well or pump installation which does not comply with 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. ~~the provisions of Ch. NR812, Wisconsin Administrative 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.~~

(23) "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.

(34) "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Chs. NR809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources. 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.

(45) "Unused" means a well or pump installation which is not in use or does not have a functional pumping system.

(56) "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.~~ 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.

(67) "Well abandonment" means the proper filling and sealing of a well according to the provisions of s. NR 812.26 ~~Ch. NR812,~~ Wisconsin Administrative Code.

(D) ABANDONMENT REQUIRED.

~~All private water supply wells or pump installations which are not currently used, or found to be in non compliance with Chapter NR812, Wisconsin Administrative Code, or wells which test unsafe, shall be abandoned in accordance with Chapter NR812, Wisconsin Administrative Code, no later than one (1) year from the date of connection to the City water system. (Ord. #3846 8/12/99)~~ All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section (F) of this ordinance not later than one year 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 Water Utility under the terms of Section (E) of this ordinance.

(E) WELL OPERATION PERMIT.

~~The Water Utility may grant a permit to allow retention of private water supply systems which are found to be safe and in compliance with Chapter NR812, Wisconsin Administrative Code, with the limitation that the owner shall demonstrate a need for continued current use.~~

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 one year after connection to the municipal water system. The Water Utility 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 Water Utility 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 a private well permit application or renewal. Permit applications and renewals shall be made on forms provided by the Water Utility.

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

~~(1) Bacteriological sampling, consisting of obtaining a minimum of one safe sample prior to issuance or reissuing permit which establishes that the water is safe for human consumption. (Ord. #4013 - 3/14/02)~~

~~(2) No cross-connections may be made between any private well and pump installations and the City water system.~~

~~(3) That the private well and pump installation meet any and all requirements of Chapter 812, Wisconsin Administrative Code, and any amendments thereto.~~

~~(4) That the applicant agrees that the permit shall be valid for a period of no more than five years which may be renewed unless otherwise revoked. (Ord. #3846 - 8/12/99)~~

(1) The well and pump installation shall meet the Standards for Existing Installations described in s. NR 812.42, Wisconsin Administrative Code.

(2) 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.

(3) There shall be no unprotected 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 leading directly to a public sewer utility unless properly metered and authorized by the 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.

(F) ABANDONMENT PROCEDURES.

(1) All private wells abandoned under this ordinance shall be abandoned according to the procedures and methods of ~~Ch. NR112~~ s. NR 812.26, Wisconsin Administrative Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

- (2) The owner of the well, or the owner's agent shall notify the Water Utility at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well may be observed or verified by the Water Utility or its agent.
- (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Water Utility and the Department of Natural Resources within ~~10~~ 30 days of the completion of the well abandonment.

(G) PERMIT AND INSPECTION FEE.

The Water Utility may charge a ~~reasonable~~ fee for a the initial and renewal applications/permits for private wells, ~~to allow retention of a private water supply system~~ as well as a reasonable fee for inspection of the abandonment of any well. Said fees shall be established by the City's Board of Public Works in accordance with Section 25.01 of this Code. (~~Ord. #3466 created 3/10/94, #4651 - 1/12/12~~)

SECTION II: This ordinance shall take effect and be in force from and after its passage and publication.

_____/s/_____
Tim Kabat, Mayor

_____/s/_____
Teri Lehrke, City Clerk

Passed: 09/12/13
Approved: 09/13/13
Published: 09/21/13