

## **ORDINANCE # 53C**

### **WELL ABANDONMENT TO SUPERSEDE ORDINANCE #53, #53A, and #53B**

Whereas, ch. NR 810, 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, 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.

NOW, THEREFORE, the Board of the Village of Cochrane, Buffalo County, Wisconsin, does ordain as follows:

**SECTION 1. PURPOSE** To prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe, non-complying wells, wells which may serve as conduits for contamination, 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 within the Village of Cochrane corporate limits.

#### **SECTION 3. DEFINITIONS**

- A. **“Municipal water system”** means a system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 year-round residents owned or operated by a city, village, county, town sanitary district, utility district or public institution as defined in s. 49.10(12)(01)., Wisconsin Statutes, 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 ch. NR 812, 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.
- 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 chs. NR 809 or 140, 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 deeper than it is wide that extends 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 ch. NR 812, Wisconsin Administrative Code.

**SECTION 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 ch. NR 812, Wisconsin Administrative Code, by no later than 1 year from the date of passage of this ordinance or connection to the municipal water system whichever occurs last, unless a well operation permit has been obtained by the well owner from the Village of Cochrane.

**SECTION 5. WELL OPERATION PERMIT.** The Village of Cochrane may grant a permit to a private well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The Village of Cochrane, or its agent, may conduct inspections or have water quality tests 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 Village Clerk. The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation meet or are upgraded to meet the requirements of ch. NR 812, Wisconsin Administrative Code.
- (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least 1 sample taken prior to issuance of permit. No exception to this condition may be made for unsafe wells.
- (3) There are no cross-connections between the well and pump installation and the municipal water system.
- (4) The water from the private well shall not discharge into a drain leading directly to the Village of Cochrane’s sewer utility unless properly metered and authorized by the Village of Cochrane sewer utility.
- (5) The private well shall have a functional pumping system
- (6) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

**SECTION 6. ABANDONMENT PROCEDURES**

- (1) All wells abandoned under the jurisdiction of this ordinance or rule shall be abandoned according to the procedures and methods of ch. NR 812, 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 Village Clerk at least 48 hours in advance of any well abandonment activities. The abandonment of the well shall be observed or verified by the Village Board's designated representative.
- (3) 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 \$200.00 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.

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

Publication date: August 18, 2010.

*/S/ Dallas Dworschack*  
Village President, Dallas Dworschack

*/S/ Sherry Lorenz*  
Attest: Village Clerk, Sherry Lorenz

This ordinance was unanimously passed and adopted at a Regular Meeting of the Village Board on August 10, 2010.