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CHAPTER 32
WELL ABANDONMENT AND WELL OPERATION PERMIT

32.01 Introduction

32.01.01 Authority
32.01.02 Title
32.01.03 Scope
32.01.04 Purpose and Intent
32.01.05 Applicability
32.01.06 Conflict
32.01.07 Severability
32.01.08 Repeal

32.02 Abandonment Required

32.03 Well Operation Permit

32.04 Abandonment Procedures

32.05 Penalties for Violations

32.05.01 Penalties
32.05.02 Service Charge

32.06 Definitions

32.06.01 Purpose
32.06.02 Word Usage
32.06.03 Abbreviations
32.06.04 Definitions

32.01 Introduction

32.01.01 Authority

This Ordinance is adopted under the authority granted to the City by Section NR 810.16 Wisconsin Administrative Code.

32.01.02 Title

Chapter 32 of the Revised Municipal Code of the City of Stevens Point shall be known as the Well Abandonment and Well Operation Permit Ordinance of the City of Stevens Point, Wisconsin.

32.01.03 Scope

The provisions of this Ordinance shall govern the procedures for well abandonment and well operation within the City of Stevens Point.

32.01.04 Purpose and Intent

To protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells or wells which may 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.

32.01.05 Applicability

This Ordinance applies to all wells located on premises served by the Stevens Point 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 32.01.04 of this Ordinance.

32.01.06 Conflict

In the event of conflict between the provisions of this Ordinance and any other applicable or adopted municipal, State, or federal code, or any other general law or statute, the most stringent provision shall prevail over the more lenient, and the specific provision shall prevail over the general.

If any part of this Ordinance is explicitly prohibited by federal or State stature, that part shall not be enforced.

32.01.07 Severability

Should any part, division, section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

32.01.08 Repeal

That all other ordinances or parts of ordinances of the City of Stevens Point inconsistent or conflicting with this Ordinance (Well Abandonment and Well Operation Permit Ordinance), to the extent of the inconsistency only, are hereby repealed.

32.02 Abandonment Required

All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section 32.04 of this Ordinance within one (1) 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 City of Stevens Point under terms of Section 32.03 of this Ordinance.

32.03 Well Operation Permit

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 (1) year after connection to the municipal water system. The City of Stevens Point shall grant a permit to a well owner to operate a well for a period not to exceed five (5) years providing all conditions of this Ordinance are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this Ordinance are met. The City of Stevens Point or its agent, may conduct inspections and water quality tests, or require inspections and water quality tests to be conducted by the applicant, 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 City of Stevens Point. All applications shall be accompanied with a fee of $5.00, or the appropriate fee as indicated in the most recently approved Department of Community Development Fee Schedule, whichever is greater.

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

1) The well and pump installation shall meet the Standards for Existing Installations described in Section 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 Chapter NR 812 Subchapter IV, prior to issuing the initial permit and no less than every 10 years afterwards.

2) The well and pump shall have a history of producing safe water evidenced by at least one (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 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 the public sanitary sewer.

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.

32.04 Abandonment Procedures

1) All wells abandoned under the jurisdiction of this Ordinance shall be done according to the procedures and methods of Section NR 812.26, Wisconsin Administrative Code. All debris, pumps, 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 be required to obtain a well abandonment permit prior to any well abandonment and shall notify the Plumbing Inspector at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.

3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted to the Plumbing Inspector and the Department of Natural Resources within 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.

32.05 Penalties for Violations

32.05.01 Penalties

Any well owner violating any provision of this Ordinance shall upon conviction be punished by forfeiture of not more than $500.00 and the cost of prosecution. Each day that a violation exists shall constitute 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 shall be assessed as a special charge levied against the property under Section 66.0627, Wisconsin Statutes, as amended.

32.05.02 Service Charge

A service charge in the amount of $20.00, or the appropriate charge as indicated in the most recently approved Department of Community Development Fee Schedule, whichever is greater, shall be levied against the property owner for the inspection and preparation of any notice and order for correcting violations. In the event corrective action is not taken within the reasonable time for compliance, any subsequent notice or order given to a property for successive violations of any provision of this Ordinance shall have a service charge levied against the property owner in the amount of $50.00, or the appropriate charge as indicated in the most recently approved Department of Community Development Fee Schedule, whichever is greater. In the event the property owner fails to pay this service charge within 30 days, the fee shall be assessed as a special charge levied against the property under Section 66.0627 of Wisconsin Statutes, as amended.

32.06 Definitions

32.06.01 Purpose

It is the purpose of this division to define words, terms, and phrases contained within this Ordinance.

32.06.02 Word Usage

In the interpretation of this Ordinance, the provisions and rules of this Part shall be observed and applied, except when the context clearly requires otherwise:

1) Words used or defined in one tense or form shall include other tenses and derivative forms.

2) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

3) The masculine gender shall include the feminine, and the feminine shall include the masculine.

4) The word "shall" is mandatory.

5) The word "may" is permissive.

6) The word "person" includes individuals, firms, corporations, associations, trusts, and any other similar entities.

7) Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition thereof.

8) Any words not defined in this part shall be presumed to have their customary dictionary definitions.

9) In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.

10) The words "this Ordinance" shall mean this Well Abandonment and Well Operation Permit Ordinance of the City of Stevens Point, Portage County, Wisconsin.

32.06.03 Abbreviations

- *Reserved for future use.*

32.06.04 Definitions

When used in this Ordinance, the following terms shall have the meanings herein ascribed to them:

- **“Department of Natural Resources”** means the Wisconsin Department of Natural Resources.
- **“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.
- **“Noncomplying”** means a well or pump installation which does not comply with Section NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to Section NR 812.43, Wisconsin Administrative Code.
- **“Plumbing Inspector”** means the City of Stevens Point Plumbing Inspector, or designee.
- **“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.
- **“Unsafe”** well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of chapters NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
- **“Unused”** well or pump installation means one which is not used or does not have a functional pumping system.
- **“Well”** means 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.
- **“Well abandonment”** means the proper filling and sealing of a well according to the provisions of Section NR 812.26, Wisconsin Administrative Code.