

# ORDINANCE NO. 2008-01

## WELL HEAD PROTECTION

The Common Council of the City of Peshtigo does hereby ordain that Title 9, Chapter 1 of Section 52 of the Code of Ordinances of the City of Peshtigo is created to read as follows:

### SEC 9-1-52 WELL HEAD PROTECTION

- (1) **PURPOSE.** The purpose of this section is to ensure the provision of a safe and sanitary drinking water supply for the City by the establishment of well head protection zones surrounding the well heads for all wells which are the supply sources for the City water system and by the designation and regulation of property uses and conditions that may be maintained within such zones.
- (2) **APPLICABILITY.** This section applies to all wells that are the supply sources for the City. The regulations specified in this section shall apply within the boundaries of the City.
- (3) **DEFINITIONS.** When used in this section, the words and phrases used herein shall have the following meanings:
  - (a) Groundwater. That part of the subsurface water which is in the zone of saturation.
  - (b) Groundwater Source. All groundwater obtained from horizontal collectors infiltration lines, springs and dug, drilled or other types of wells.
  - (c) Municipal Water System. A community water system owned by a city, village, county, town, sanitary district, utility district, public inland land 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.
  - (d) Waterworks or Water System. All structures, conduits and appurtenances by means of which water is delivered to consumers, except piping and fixtures inside buildings served, and service pipes from buildings to street mains.
  - (e) Well. An excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater.
- (4) **ESTABLISHMENT OF WELL HEAD PROTECTION ZONE.** There is hereby established a use district to be known as a well head protection zone, identified and described as all the area within ½ mile of any City water supply well site or any part thereof over which the City has jurisdiction or within any modeled and approved well head protection zone.
- (5) **MAINTENANCE OF SEPARATION DISTANCES, PROHIBITED USES OR CONDITIONS.** Any City water supply well shall be adequately separated from potential sources of contamination. The following uses or conditions shall be and are hereby prohibited within the specified minimum separation distances:
  - (a) Fifty feet between a well and storm sewer main.
  - (b) Two hundred feet between a well and any sanitary sewer main, lift station or single family residence dual oil tank. A lesser separation distance may be permitted for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Water Works Association (AWWA) 600 Specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.
  - (c) Four hundred feet between a well and septic tank or soil absorption units receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.
  - (d) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce or its designated agent under Wis. Adm. Code COM 10.10.
  - (e) Twelve hundred feet between a well and land application of municipal, commercial or industrial waste; municipal, commercial or industrial solid waste storage or wastewater lagoon, pond or storage structure; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.

- (f) One-half mile between a well and salt storage facilities, pesticide handling or storage sites, fertilizer handling or storage sites, chemical handling industries or businesses (body shops, dry cleaners, etc.), cattle grazing sites, bulk fuel storage facilities and gasoline or fuel oil storage tanks that have not received written approval from the Wisconsin Department of Commerce or its designated agent under Wis. Adm. Code COM 10.10.

(6) **PROHIBITED USES.** Notwithstanding the provisions of sub. (5) above, the following uses are prohibited anywhere within the Well Head Protection Zone. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use and handling of potential pollutants) will cause groundwater contamination. Uses not listed are not considered permitted uses.

- (a) Underground storage tanks not listed in sub. (5) above.
- (b) Septage and/or sludge spreading.
- (c) Animal waste facilities.
- (d) Asphalt products manufacturing.
- (e) Coal storage facilities.
- (f) Hazardous waste storage, treatment or disposal sites.
- (g) Landfills or waste disposal facilities.
- (h) Cemeteries.
- (i) Land spreading sites.
- (j) Municipal sludge sites.
- (k) Septic disposal.
- (l) Junk yards or auto salvage yard.
- (m) Bulk fertilizer and pesticide facilities.
- (n) Electroplating.
- (o) Paint and coating manufacturing.
- (p) Toxic materials storage and use.
- (q) Radioactive waste facilities.
- (r) Tire and battery services.
- (s) Quarries and gravel pits.
- (t) Other similar uses that pose a threat to groundwater quality.

(7) **EXISTING FACILITIES AND NONCONFORMING USES.** Insofar as the standards in this section are not inconsistent with the provisions of ch. 62.23(7)(h), Wis. Stats., they shall apply to all nonconforming uses. The existing lawful use of a structure or building or its accessory use which is not in conformity with the provision of this section may be continued, subject to the following conditions:

- (a) No modifications or additions to a nonconforming use shall be permitted unless they are made in conformity with the provisions of this section. For the purposes of this section, the words “modification” and “addition” shall include, but are not limited to, any alteration, addition, modification, rebuilding or replacement of any such existing structure or accessory use. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal or external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components.
- (b) If a nonconforming use is discontinued for 12 consecutive months, any future use of the land, structure or building shall conform to the appropriate provisions of this section.
- (c) Facilities shall provide copies of all Federal, State and local facility operation approvals or certificates and on-going environmental monitoring results to the City.
- (d) Facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the City.
- (e) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

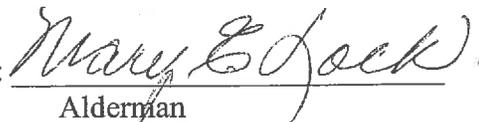
- (f) Facilities shall have the responsibility of developing the filing with the City a contingency plan satisfactory to the City for the immediate notification of City officials in the event of an emergency.
- (g) In the event the individual and/or facility causes the release of contaminants which endanger the City water supply, the activity causing said release shall immediately cease and cleanup satisfactory to the City shall occur.
- (h) The individual/facility shall be responsible for all costs of cleanup, City consultant fees at the invoice amount plus administrative costs for oversight, review and documentation.

(8) ADMINISTRATION AND ENFORCEMENT.

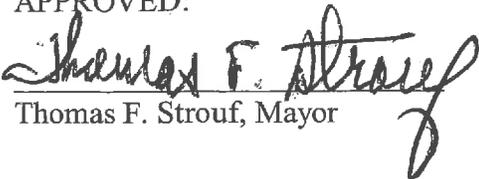
- (a) Administration. The provisions of this section shall be administered and enforced by the Building Inspector and the Public Works Director. The City shall examine all applications for building permits for properties within a Well Head Protection Zone with regard to separation distances and prohibited uses as established in this section.
- (b) Remedies. Compliance with the provisions of this section shall be enforced by appropriate forfeitures and penalties. Compliance may also be enforced by injunctive suit of the City or by the owner or owners of real estate within the City affected by the regulations.
- (c) Penalties. Any person who violates any provision of this section or any order, rule or regulation made hereunder shall, upon conviction, be subject to the penalties set forth in sec. 1-1-7 of this Code. Each day that a violation exists or continues shall constitute a separate offense.
- (d) Notice of Violation. If the Building Inspector or the Director of Public Works finds that any of the provisions of this section are being violated, he/she shall notify, in writing by registered or certified mail, the person responsible indicating the nature of the violation and ordering the action necessary to correct the violation. Whenever a person shall have been notified, in writing, that he/she is in violation of the provisions of this section, such person shall commence correction of all violations within 10 days of notice and shall correct all violations within 45 days of notice. If such corrections are not commenced within 10 days or completed within 45 days of written notice, each day that a violation continues shall be considered a separate offense.

This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Common Council of the City of Peshtigo on the 3rd day of June, 2008.

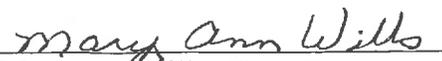
OFFERED BY:   
Alderman

SECONDED BY:   
Alderman

APPROVED:

  
Thomas F. Strouf, Mayor

ATTEST:

  
Mary Ann Wills, Clerk-Treasurer