



1 water system is contrary to the minimum health standards of the Village and fails to en-  
2 sure preservation of public health, comfort and safety of Village residents.

3 (b) Plumbers. No plumber, pipe fitter or other person will be permitted to do any plumbing  
4 or pipefitting work related to the sewer or water system without first receiving a license  
5 from the State. All service connections to the sewer main or water main shall comply  
6 with the State plumbing code. The Village herein adopts by reference Chapter COMM.  
7 82, Wisconsin Administrative Code, of the State Plumbing Code. This section does not  
8 supersede the State Plumbing Code and Chapter 14 of this Municipal Code, but is sup-  
9 plementary to them.

10 (c) Mandatory hookup.

11 (1) The owner of each parcel adjacent to sewer and water mains on which there ex-  
12 ists a building usable for human occupation, or in a block through which utility  
13 systems extend, shall connect to the systems. Once the new system is placed in  
14 service the property owner will receive a written notice that they must connect  
15 within 180 days from that notice. Once 180 days have lapsed and the property  
16 has not connected to the system the Village may provide a second written notice  
17 that the Village is commencing the process to undertake the work and will bill the  
18 property owner for the costs including all administrative and staff expenses. Costs  
19 not paid within 30 days shall be assessed as a special tax lien against the property.  
20 The owner may within 30 days after the completion of the work file a written op-  
21 tion with the Utility Manager stating that he/she cannot pay the amount in one  
22 sum and ask that it be levied in no more than five equal annual installments and  
23 that the amount shall be so collected with interest at prime rate plus 7 percent  
24 maximum per annum from the completion of the work, the unpaid balance being  
25 a special tax lien, all pursuant to Wisconsin Statutes § 281.45.

26 (2) Instead of the provisions of subsection (c)(1) of this section, the Village at its op-  
27 tion may impose a penalty for the period that the violation continues, after ten  
28 days written notice to any owner failing to make a connection to the sewer and  
29 water systems, of an amount equal to four times the minimum quarterly charge for  
30 the sewer, fire protection and water service payable quarterly for the period in  
31 which the failure to connect continues, and, upon failure to make the payment, a  
32 charge shall be assessed as a special tax lien against the property, all pursuant to  
33 Wisconsin Statutes § 281.45.

34 (d) Private Wells in General. To prevent unused, unsafe and/or improperly constructed wells  
35 from serving as a passage for contaminated surface or near surface waters or other mate-  
36 rials to reach the usable groundwater, these wells must be properly maintained or filled  
37 and sealed. Section NR 811.10, Wisconsin Administrative Code, provides that a mu-  
38 nicipal water system shall require abandonment of all unused, unsafe or non-complying  
39 private wells located on premises served by the water system. All properties within the  
40 Village limits shall be governed by this section. All property owners must obtain a well  
41 permit as specified below in order to operate or utilize a well.

42 (1) Private Well Abandonment Requirements.

43 a. Any private well which is unused, unsafe or non-complying and which  
44 serves any premises required to be connected to a water main under Sec-  
45 tion 62.2 of this Chapter shall be permanently abandoned within six  
46 months after connection of the premises to the water system, unless a well  
47 operation permit has been obtained by the well owner pursuant to subsec-

1 tion (2) below. Abandonment shall be conducted by filling and sealing in  
2 accordance with the provisions of Chapter NR 812 Wisconsin Administra-  
3 tive Code. It shall be the responsibility of the land-owner of any real prop-  
4 erty upon which a well is located to see to it that all wells located on the  
5 owner's property have been properly abandoned in accordance with the  
6 procedures of Wisconsin Administrative Code NR Chapter 812, regardless  
7 of whether the owner has used the well. Upon discovery of any unused or  
8 previously abandoned well, the owner shall notify the Village and comply,  
9 insofar as is practicable, with the procedures of this section. In the case of a  
10 previously abandoned well, if the owner can produce proof of compliance  
11 with state well abandonment requirements to the satisfaction of the Village,  
12 compliance with this section may be deemed satisfied. The determination  
13 shall be at the discretion of the Utility Manager upon considering the pre-  
14 sent and future possibility of ground water contamination at the well site.

15 b. The owner of the well or the owner's agent who will conduct the abandon-  
16 ment shall notify the Village at least two business days prior to commence-  
17 ment of any well abandonment activities so that the Village may observe the  
18 abandonment.

19 c. Wells must be abandoned by licensed well drillers and or pump installers.

20 d. Wells to be abandoned shall be filled according to the procedures outlined  
21 in Wisconsin Administrative Code NR Chapter 812. The pump and piping  
22 must be removed and the well checked for obstructions before plugging.  
23 Any obstruction or liner must be removed. A well abandonment report must  
24 be submitted by the well owner to the State Department of Natural Re-  
25 sources on forms provided by that agency and a copy provided to the Vil-  
26 lage. The report shall be submitted immediately upon completion of the fill-  
27 ing of the well.

28 (2) Permit for wells for outdoor or agricultural watering for properties served by Vil-  
29 lage Utilities.

30 a. Any owner of a private well which is required to be permanently aban-  
31 doned pursuant to subsection (1)(a) above shall apply to the Village for  
32 permission to maintain the well in good operating condition for the sole  
33 purpose of providing water for filling swimming pools, lawn or garden wa-  
34 tering or other similar agricultural purpose, provided that the well continues  
35 to pass all tests required for private wells and the owner shall agree to pay  
36 the cost of abandonment when the well shall be permanently abandoned.

37 b. Every owner of a private well which was in existence on January 1, 1990,  
38 that serves premises also served by the municipal water system and who  
39 wants to continue to use the well shall obtain a permit for the use of the  
40 well from the Village within 90 days from the effective date of this section §  
41 62.6(d)(2) determined to be May 14, 1991. Drilling new private wells that  
42 will be used under the circumstances described in this subsection may not  
43 commence until a permit for the excavation of the private well has been  
44 granted in accordance with the terms of this section.

45 c. Applications for a permit for the excavation or use of a private well under  
46 this section shall be made in writing by the owner or owners of the well to  
47 the Village on forms provided by the Village. A \$50 processing fee shall ac-

1 company any private well excavation or renewal permit application. A per-  
2 mit shall be granted to a well owner to operate a well for a period not to  
3 exceed five years if the requirements of this subsection are met. Failure to  
4 obtain an initial or renewal permit will result in a late permit fee of \$100  
5 plus the penalties in section (6). Permit applications shall be made and  
6 submitted on forms provided by the Village. Permits and permit renewals  
7 will be granted under this section only for wells and pump installations  
8 where:

- 9 (1) No physical connection shall exist between the piping of the public  
10 water system and the private well.
- 11 (2) Bacteriologically safe water is evidenced by at least two samples  
12 taken a minimum of two weeks apart.
- 13 (3) There are no known exceedances of the preventive action limits  
14 (PALs) set forth in Chapter NR 140, Wisconsin Administrative Code.
- 15 (4) The well and pump installation shall be inspected and shall meet the  
16 requirements of Wisconsin Administrative Code NR Chapter 812, and  
17 a well constructor's report is on file with the State Department of  
18 Natural Resources or certification of the acceptability of the well has  
19 been granted by the private water supply section of the State Depart-  
20 ment of Natural Resources.
- 21 (5) The proposed use of the well can be justified as necessary in addition  
22 to water provided by the public water system.

23 (3) Permit for existing wells for properties not served by Village Utilities.

- 24 a. Every owner of a private well, which was in existence on June 1, 2009, in  
25 the Village that serves their property, shall obtain a permit for the use of the  
26 well from the Village within 90 days from the effective date of this section.
- 27 b. A section (3)(a) well permit will be for a period of five years upon issuance.  
28 The initial permit shall be at no cost to the well owner. The subsequent re-  
29 newal permit processing fee shall be \$50. Failure to obtain an initial or re-  
30 newal permit will result in a late permit fee of \$100 plus the penalties in  
31 section (6). Permit applications shall be made and submitted on forms pro-  
32 vided by the Village.
- 33 c. The well owner or operator shall annually provide the Village with written  
34 evidence that the well produces bacteriologically safe water as evidenced  
35 by at least one sample. The report shall be submitted during the period June  
36 1 — September 1 of each year. If the well does not meet the safe water re-  
37 quirements or is unsafe the owner must either repair or replace the well.  
38 However, prior to undertaking any repairs or replacement of the well the  
39 property owner must meet with the Utility Manager to determine if the pro-  
40 posed repairs or replacement would solve the contamination problem or if  
41 some other course of action is more practical. In lieu of repairing or replac-  
42 ing the well the property owner may request the Village extend municipal  
43 water to serve that property.
- 44 (1) During the period from the adoption of this ordinance through De-  
45 cember 31, 2009 the well owner or operator have two options for

1 well testing. Starting January 1, 2010 all testing is paid for by the well  
2 owner or operator.

- 3 a. Option #1 utilize a well testing kit provided free by the Village  
4 to be sent to the certified testing lab designated by the Village.
- 5 b. Option #2 obtain a well testing kit at the owner's expense and  
6 submit a qualified water sample to any certified testing labora-  
7 tory.

8 (4) Permit for new wells for properties not served by Village Utilities.

- 9 a. After January 1, 2009, the drilling of new private wells that will be used un-  
10 der the circumstances described in this section may not commence until a  
11 permit for the excavation of the private well has been granted in accor-  
12 dance with the terms of this section.
- 13 b. A section (4)(a) well permit will be for a period of five years upon issuance  
14 and the initial permit shall cost \$50. Failure to obtain a permit will result in  
15 a late permit fee of \$100 plus the penalties in section (6). Permit applica-  
16 tions shall be made and submitted on forms provided by the Village.
- 17 c. The well owner or operator shall annually provide the Village with written  
18 evidence that the well produces bacteriologically safe water as evidenced  
19 by at least one sample. The report shall be submitted during the period June  
20 1 — September 1 of each year. If the well does not meet the safe water re-  
21 quirements or is unsafe the owner must either repair or replace the well.  
22 However, prior to undertaking any repairs or replacement of the well the  
23 property owner must meet with the Utility Manager to determine if the pro-  
24 posed repairs or replacement would solve the contamination problem or if  
25 some other course of action is more practical. In lieu of repairing or replac-  
26 ing the well the property owner may request the Village extend municipal  
27 water to serve that property.

28 (5) Additional conditions of well permit. The right to construct, install and maintain a  
29 well as authorized by permit under this section shall be expressly conditioned  
30 upon the owners and successors in interest complying with the following:

- 31 a. The owner shall permit the Village access to the well for inspection and test-  
32 ing at any time during normal working hours. If entry is refused, the well  
33 permit is revoked and the owner shall proceed with abandonment as speci-  
34 fied above. On request, the owner, lessee or occupant of any property so  
35 served shall furnish to the inspector any pertinent information regarding the  
36 piping system on the property.
- 37 b. No repair or modification of any well may be performed unless done by a  
38 properly licensed individual. At least one business day notice to the Village  
39 prior to undertaking the repairs is required so the work may be inspected.  
40 Any and all plumbing code permits as required shall also be obtained prior  
41 to undertaking any work.
- 42 c. The Village shall have the right to sample the water after completion of any  
43 repairs or modifications. The sampling shall be at the owner's cost and may  
44 either be done by the Village or by the owner at the Village's direction.
- 45 d. The Village shall have the right to randomly test or to direct the owner to  
46 test the well not more than two times in any six-month period. The Village  
47 may require additional testing if there is reason to believe some contamina-

tion may be present or that the results of previous tests may be invalid. ~~The Village at its option may require testing for contaminants to include microbiological, radioactive, inorganic, synthetic organic, pesticides, herbicides and volatile organic substances. The Utility Manager shall report the results of testing and the resulting remedial action to the DNR on an annual basis. If the test results suggest that a severe or area wide problem exists the Utility Manager shall notify the DNR immediately.~~

- e. The cost of any testing and sampling as provided in this section shall be paid by the owner upon invoice by the Village.
- f. A permit issued in accordance with the provisions of this section shall be revoked by the Utility Manager upon notice to the permittee that any of the following have occurred:
  - (1) The owner of the well has refused access to a well for testing or has failed to follow a direction of order of the Village in regard to testing or sampling.
  - (2) The owner of any well has neglected to pay for any tests authorized with 30 days of billing or invoice.
  - (3) Any test results demonstrate well contamination and do not meet reasonable health standards or are in violation of any state or municipal ordinance dealing with well operation.
  - (4) The parties aggrieved by permit revocation may appeal the initial decision of the Utility Manager to the Village Board by filing a written petition for review with the Village clerk-treasurer.

(6) Penalties.

- a. This chapter may be enforced by the issuance of a citation to any violator of this chapter by the Village Administrator, by any state officer with police powers or any other duly appointed law enforcement officer of the Village. Any well owner violating any provision of this section shall, upon conviction, be punished by forfeiture of not less than \$100 and not more than \$500 and shall also pay the costs of prosecution. Each day of violation is a separate offense.
- b. Failure to abandon any well after revocation of a permit to follow the provisions of Wisconsin Administrative Code NR Chapter 812, in abandoning the well is hereby deemed a public nuisance, and the Village may cause the well to be properly abandoned and may assess the cost against the owner of the affected property and collect it as a special tax.
- c. In addition to any enforcement by forfeiture action, the Village may obtain injunctive relief to prevent, enjoin, abate or remove the violation and may take such other action as is necessary to abate, correct or remove any violations.
- d. Whenever any of the rules and regulations, or others as the Village may hereafter adopt, are violated, the use of service shall be shut off from the building or place of violation (even if there are two or more parties receiving service through the same connection) and shall not be re-established except by order of the Village Board and on payment of all arrears, the expenses and established charges of shutting off and putting on and other terms as the Village Board may decide. With the violation, the Village Board, furthermore, may declare any payment made for the service by the

1 parties committing the violation, to be forfeited, and the payment shall then  
2 be forfeited.

3 e. The Village may discontinue water service to any property wherein any  
4 connection in violation of this section exists, if the Village reasonably be-  
5 lieve that a cross connection may contaminate the municipal water system.  
6 The Village may also take other precautionary measures deemed necessary  
7 to eliminate any danger of contamination of the public water system. Water  
8 service shall be discontinued only after reasonable notice and opportunity  
9 for hearing under Chapter 68, Wisconsin Statutes, except as provided in  
10 subsection (f) below. Water service shall not be restored until the matters in  
11 violation of this section have been eliminated and the private well and  
12 plumbing brought into compliance with the provisions of this section or  
13 adequate assurance is given the Village in its discretion that this section will  
14 be complied with in a timely manner.

15 f. If it is determined by the Village that a failure of compliance with this sec-  
16 tion endangers the public health, safety or welfare and requires immediate  
17 action and a written finding to that effect is filed with the Village clerk-  
18 treasurer and delivered to the customer's premises, service may be immedi-  
19 ately discontinued. The customer shall have an opportunity for hearing un-  
20 der Chapter 68, Wisconsin Statutes, within ten days of an emergency dis-  
21 continuance.

22 **Section 3 – Ordinances in Conflict**

23 All other ordinances in conflict herewith are hereby repealed.

24  
25 **Section 4 – Effective Date**

26 This ordinance shall take effect and be in full force from and after its passage and publi-  
27 cation according to law.

28  
29 **Section 6 – Severability**

30 If a court of competent jurisdiction adjudges any section, clause, provision or portion of  
31 this ordinance unconstitutional or invalid, the remainder of this chapter shall not be affected  
32 thereby.

33  
34  
35 **Village of Sister Bay**

36  
37 By: \_\_\_\_\_  
38 Denise L. Bhirdo, President

39  
40 **Attest:**

Date Introduced: \_\_\_\_\_

Date Adopted: \_\_\_\_\_

Publication Date: \_\_\_\_\_

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44 \_\_\_\_\_  
45 Christine M. Sully, Clerk WCPC MMC

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48 File name: \\sbs01.local.sisterbay.com\users\rlkufrin\files\active\agendas\board\2009\2009\_06\ordinance 152-  
49 060909 establishing regulations regarding wells v2.doc

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