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ORDINANCE No 152-060909
As amended by Ordinance No 155-071409

AN ORDINANCE AMENDING CHAPTER 62 UTILITIES OF THE MUNICIPAL CODE REGARDING SEWER AND WATER USER REGULATIONS RELATED TO WELLS – WELL PERMITTING SECTION § 62.6 (a) – (d)

WHEREAS, the Utility Committee has determined that changes in Chapter 62 of the Code of Ordinances are essential to ensure preservation of public health, comfort and safety of Village residents.

NOW THEREFORE the Village Board of Trustees of the Village of Sister Bay, Door County, Wisconsin, does hereby ordain as follows:

Section 1 – Availability for Public Inspection.

A copy of this municipal code section shall be permanently on file and open to public inspection in the Office of the Village Clerk after their enactment and for a period of not less than two (2) weeks before its enactment.

Section 2 – Sections 62.6(a)-62.6(d) are repealed and recreated as follows:

Section 62.6 Sewer and Water User Rules and Regulations.

(a) Purpose. The Village of Sister Bay is committed to providing clean drinking water to all of its residents in particular to the customers of the Village’s Water Utility. The Village Board finds and determines that improperly constructed, unused or improperly abandoned private wells are a known pathway for the entrance of contaminants into groundwater aquifers, which aquifers also supply the municipal water system. It is further determined that cross connecting of private wells and municipal water sources may lead to contamination. Contamination of the Village’s water supply would severely and adversely affect the health, safety and general welfare of Village residents, particularly since contamination once introduced is extremely difficult to correct. Therefore, it is necessary and in the public interest that all wells within the corporate limits of the Village, whether existing or hereafter installed, shall be effectively monitored and regulated in regard to their creation, operation and abandonment as set forth in this section.

The rules and regulations of the Village concerning sewer and water users in this chapter shall be considered a part of the contract with every person, company or corporation who is connected to or uses the Village sewer and water systems, and every person, company or corporation by connecting with the sewer system or wastewater treatment facility shall be considered as expressing his/her or their assent to be bound. In addition, these rules and regulations of the Village in this chapter shall apply to all properties, persons, companies or corporations who use wells, septic systems and holding tanks in the Village not currently receiving service from the Village.

The Village Board reserves the right to change the rules and regulations from time to time, as it may deem advisable; and to make special rates and contracts in all proper cases. Persons connected to the sewer and water systems of the Village are referred to in

1 this chapter as “users.” This chapter ordains that the failure to connect to the sewer and
2 water system is contrary to the minimum health standards of the Village and fails to en-
3 sure preservation of public health, comfort and safety of Village residents.

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

11 (c) Mandatory hookup.

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

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

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

43 (1) Private Well Abandonment Requirements.

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

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

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

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

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

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

30 a. After January 1, 2009, the drilling of new private wells that will be used un-
31 der the circumstances described in this section may not commence until a
32 permit for the excavation of the private well has been granted in accord-
33 ance with the terms of this section.

34 b. A section (4)(a) well permit will be for a period of five years upon issuance
35 and the initial permit shall cost \$50. Failure to obtain a permit will result in
36 a late permit fee of \$100 plus the penalties in section (6). Permit applica-
37 tions shall be made and submitted on forms provided by the Village.

38 c. The well owner or operator shall annually provide the Village with written
39 evidence that the well produces bacteriologically safe water as evidenced
40 by at least one sample. The report shall be submitted during the period June
41 1 — September 1 of each year. If the well does not meet the safe water re-
42 quirements or is unsafe the owner must either repair or replace the well.
43 However, prior to undertaking any repairs or replacement of the well the
44 property owner must meet with the Utility Manager to determine if the pro-
45 posed repairs or replacement would solve the contamination problem or if
46 some other course of action is more practical. In lieu of repairing or replac-

1 ing the well the property owner may request the Village extend municipal
2 water to serve that property.

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

- 6 a. The owner shall permit the Village access to the well for inspection and test-
7 ing at any time during normal working hours. If entry is refused, the well
8 permit is revoked and the owner shall proceed with abandonment as speci-
9 fied above. On request, the owner, lessee or occupant of any property so
10 served shall furnish to the inspector any pertinent information regarding the
11 piping system on the property.
- 12 b. No repair or modification of any well may be performed unless done by a
13 properly licensed individual. At least one business day notice to the Village
14 prior to undertaking the repairs is required so the work may be inspected.
15 Any and all plumbing code permits as required shall also be obtained prior
16 to undertaking any work.
- 17 c. The Village shall have the right to sample the water after completion of any
18 repairs or modifications. The sampling shall be at the owner's cost and may
19 either be done by the Village or by the owner at the Village's direction.
- 20 d. The Village shall have the right to randomly test or to direct the owner to
21 test the well not more than two times in any six-month period. The Village
22 may require additional testing if there is reason to believe some contamina-
23 tion may be present or that the results of previous tests may be invalid. The
24 Village at its option may require testing for contaminants to include micro-
25 biological, radioactive, inorganic, synthetic organic, pesticides, herbicides
26 and volatile organic substances. The Utility Manager shall report the results
27 of testing and the resulting remedial action to the DNR on an annual basis.
28 If the test results suggest that a severe or area wide problem exists the Utility
29 Manager shall notify the DNR immediately.
- 30 e. The cost of any testing and sampling as provided in this section shall be
31 paid by the owner upon invoice by the Village.
- 32 f. A permit issued in accordance with the provisions of this section shall be
33 revoked by the Utility Manager upon notice to the permittee that any of the
34 following have occurred:
 - 35 (1) The owner of the well has refused access to a well for testing or has
36 failed to follow a direction of order of the Village in regard to testing
37 or sampling.
 - 38 (2) The owner of any well has neglected to pay for any tests authorized
39 with 30 days of billing or invoice.
 - 40 (3) Any test results demonstrate well contamination and do not meet rea-
41 sonable health standards or are in violation of any state or municipal
42 ordinance dealing with well operation.
 - 43 (4) The parties aggrieved by permit revocation may appeal the initial de-
44 cision of the Utility Manager to the Village Board by filing a written
45 petition for review with the Village clerk-treasurer.

46 (6) Penalties.

- 47 a. This chapter may be enforced by the issuance of a citation to any violator of
48 this chapter by the Village Administrator, by any state officer with police
49 powers or any other duly appointed law enforcement officer of the Village.

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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 parties committing the violation, to be forfeited, and the payment shall then be forfeited.
- e. The Village may discontinue water service to any property wherein any connection in violation of this section exists, if the Village reasonably believe that a cross connection may contaminate the municipal water system. The Village may also take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in subsection (f) below. Water service shall not be restored until the matters in violation of this section have been eliminated and the private well and plumbing brought into compliance with the provisions of this section or adequate assurance is given the Village in its discretion that this section will be complied with in a timely manner.
- f. If it is determined by the Village that a failure of compliance with this section endangers the public health, safety or welfare and requires immediate action and a written finding to that effect is filed with the Village clerk-treasurer and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within ten days of an emergency discontinuance.