

ORDINANCE NO. 809

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 98-76
OF THE CITY OF FORT ATKINSON MUNICIPAL CODE RELATING TO
WELL ABANDONMENT AND WELL OPERATION PERMITS**

WHEREAS, s. NR 810.16 of the Wisconsin Administrative Code, directs suppliers of water for municipal water systems to implement a program for the regulation of wells which are not part of the municipal water system and are located on premises served by the municipal water system; and

WHEREAS, the goal of such a program is to prevent unused, unsafe, and noncomplying wells from acting as vertical conduits for aquifer contamination or as a source of unsafe water that could enter the public water system through cross connections; and

WHEREAS, the City of Fort Atkinson has a municipal water system and desires to implement a program regulating wells to prevent opportunities for cross connections.

NOW THEREFORE, the City Council of the City of Fort Atkinson Jefferson County, Wisconsin, does ordain as follows:

Section 1. Section 98-76 – Private well abandonment is hereby repealed and the recreated as follows:

“Sec. 98-76 – Private Well Abandonment and Well Operation Permits.

- A. Purpose: 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 crossconnected to the municipal water system, are properly maintained or abandoned.
- B. Applicability: This ordinance applies to all wells located on premises served by the Fort Atkinson municipal water system.
- C. Definitions:
 1. **Municipal water systems:** 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.
 2. **Noncomplying:** a well or pump installation which does not comply with s. NR812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.
 3. **Pump Installation:** the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pit less adapters, pressure tanks, pits, sampling faucets and well seals or caps.
 4. **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 chs. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

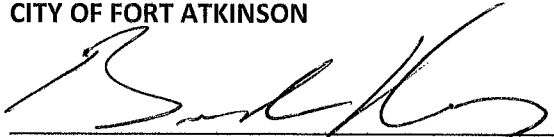
5. **Unused:** well or pump installation means one which is not used for does not have a functional pumping system.
 6. **Well:** a drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.
 7. **Well abandonment:** the proper filling and sealing of a well according to the provisions of s. NR 812.26, Wisconsin Administrative Code.
 8. **Served:** any property located within the municipal boundaries of the City of Fort Atkinson which includes a public water main adjacent to the property.
- D. **Abandonment Required.** All wells on premises served by the municipal water system shall be abandoned in accordance with Section F of this ordinance by January 1, 2022, or no later than 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 Fort Atkinson under terms of Section E of this ordinance.
- E. **Well Operation Permit.** Owners of wells on premises served by the municipal water system wishing to retain their wells for irrigation shall make application for a Well Operation Permit for each well by June 1st of each even-numbered year. The City of Fort Atkinson may grant a permit to a well owner to operate a well for a period of two years providing all conditions of this section are met. A Well Operation Permit may be renewed for another two years by submitting an application verifying that the conditions of this section are met at the time of the renewal application. The City of Fort Atkinson or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be 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 City Clerk. The following conditions must be met for issuance or renewal of a Well Operation Permit:
1. A licensed well driller or licensed pump installer must perform and submit an inspection attesting to the following:
 - i. The well and pump installation shall meet the Standards for Existing Installations describe in s. NR 812.42, Wisconsin Administrative Code.
 - ii. The well and pump shall have a history of producing safe water evidenced by at least 1 coliform bacteria sample within 30 days of application. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical sampling may be required to document the safety of the water.
 - iii. There shall be no cross connections between the well's pump installation or distribution piping and the municipal water system.
 - iv. The water from the private well shall not discharge into a drain leading directly or indirectly into a public sanitary sewer or storm water sewer unless properly metered and authorized by the City Engineer or his/her designee.
 - v. The private well shall have a functional pumping system.
 2. The City Engineer shall determine that the well is necessary and justified in addition to the water provided by the municipal water system. Reduced cost of water shall not be a factor for consideration.

3. There shall be a fee for the Well Operation Permit, which shall be submitted at the time of the application. The fee shall be payable to the City of Fort Atkinson and the amount shall be approved by the City Council via Resolution. The initial application fee may be pro-rated if applied for outside of the regular two-year cycle as described in this Section.
- F. Abandonment Procedures.
1. All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of s. 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. As of June 1, 2008, only licensed well drillers and pump installers may perform abandonment (filling and sealing) of wells.
 2. The owner of the well, or the owner's agent, and shall notify the City Water Utility at least 48 hours in advance of any well abandonment activities. The abandonment of the well shall be observed or verified by personnel of the municipal water utility.
 3. An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment.
- G. Penalties. Any person found guilty of violating this chapter shall be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) plus the cost of prosecution and shall be required to properly abandon said well within 30 days of written notice of conviction. Each day of violation may be considered a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of conviction, the municipality may continue to impose a penalty and cause the well abandonment to be performed and the expense of the well owner. Failure of the well owner to pay may result in a special assessment against the property on which the well is located."

Section 2. This ordinance shall take effect upon passage, posting, or publication as provided by law.


Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this 4th day of January 2022.

CITY OF FORT ATKINSON



Brandon Housley, President Pro Tem

ATTEST:



Michelle Ebbert, City Clerk/Treasurer/Finance Director