

**VILLAGE OF WINDSOR  
ORDINANCE 2019-07**

**AN ORDINANCE PERTAINING TO WELL ABANDONMENT AND WELL OPERATION  
PERMITS**

WHEREAS, section NR 810.16, Wisconsin Administrative Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or noncomplying wells located on the premises served by their systems, and to provide a permit system to allow retention of safe and code complying wells, by local ordinance or water utility rule, to eliminate sources of unsafe water and to prevent such wells from becoming channels for vertical movement of contaminated water and to eliminate all existing cross-connections and prevent all future cross-connections.

NOW, THEREFORE: the Village Board of the Village of Windsor, Dane County, Wisconsin do ordain as follows:

**SECTION 1.** Section 51-15 of the Code of Ordinances is hereby created to read as follows:

**Sec. 51-15. – Well Abandonment and Well Operation Permit**

1. PURPOSE. The purpose of this section is 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 Windsor Water Utility, are properly maintained or abandoned.

2. APPLICABILITY. This section shall apply to all wells located on premises served by the Windsor Water Utility. Utility customers outside the jurisdiction of the Windsor Water Utility shall be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 1 above.

3. DEFINITIONS.

(1) “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.

(2) “Pump Installation” means 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.

(3) “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.

(4) "Unused" well or pump installation means one which is not used or does not have a functional pumping system.

(5) "Well" means 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.

(6) "Well abandonment" means the proper filling and sealing of a well according to the provision of section NR 812.26, Wisconsin Administrative Code.

4. ABANDONMENT REQUIRED. All wells on premises within the Windsor Water Utility's service area shall be properly abandoned in accordance with Section 6 of this ordinance no later than 1 year from the date of connection to the Windsor Water Utility, unless a valid well operation permit has been issued to the well owner by the Village of Windsor under subsection 5 below.

5. WELL OPERATION PERMIT. Owners of wells on premises served by the Windsor Water Utility wishing to retain their wells for any use shall make application for a well operation permit for each well no later than 1 year after connection to the Windsor Water Utility. The Village of Windsor shall grant a permit to a well owner to operate a well for a period of 5 years providing all conditions of this section are met. A well operations permit may be renewed by submitting an application verifying that the conditions of this section are met. The Village of Windsor 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 Village Clerk. All initial and renewal applications must be accompanied by a fee as set forth in the Windsor Fee Schedule.

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.

(2) The well and pump shall have a history of producing safe water evidenced by a minimum of two (2) bacteriological samples taken at least twenty four (24) hours apart. 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.

(3) There shall be no cross-connections between the well's pump installation or distribution piping and the Windsor Water Utility.

(4) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.

(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 Windsor Water Utility.

6. ABANDONMENT PROCEDURES.

(1) All noncomplying, unsafe, unused or unpermitted wells shall be abandoned in accordance with 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. 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, shall obtain a well abandonment permit prior to any well abandonment and shall notify the Village Clerk 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 Windsor Water Utility.

(3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Village Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment.

7. PENALTIES. Any person violating this section shall upon conviction be punished by forfeiture of not less than \$200.00 nor more than \$2,000.00 and the cost of prosecution. Each day of violation is 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 Village of Windsor may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

**SECTION 2.** The Windsor Fee Schedule shall be amended to add the following fees:

Well Operation Permit – Initial Application	\$ <u>100</u>
Well Operation Permit – Renewal Application	\$ <u>100</u>

**SECTION 3.** This Ordinance shall become effective upon passage and publication as provided by law.

The above and foregoing Ordinance was duly adopted at a meeting of the Village Board of the Village of Windsor held on April 18<sup>th</sup> by a vote of 5 in favor and 0 opposed.

**VILLAGE OF WINDSOR**

Robert E. Wipperfurth  
Robert E. Wipperfurth, Village Resident

*Attested by:*

Christine Capstran  
Christine Capstran, Village Clerk

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