

Chapter 13
Public Health and Welfare

13.075 Abandoned Wells

(Cr. #29-91) (Am. #10-05) (Am. #8-08)

- (1) **PURPOSE.** To prevent contamination of ground water and to protect public health, safety, and welfare by assuring that unused, unsafe, or non-complying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.
- (2) **APPLICABILITY.** This ordinance applies to all wells located on premises served by the Waukesha Water Utility municipal water system.
- (3) **DEFINITIONS.**
 - (a) **Municipal Water System** means a system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 year-round residents owned or operated by a city, village, county, town, town sanitary district, or public institution as defined in s. 49.10(12)(f)1., Wisconsin Statutes, or a privately owned water utility serving any of the above.
 - (b) (Am. #7-03) **Non-complying** means a well or pump installation which does not comply with the provisions of Ch. NR 812, Wisconsin Administrative Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.
 - (c) **Premises Served** means premises where a service lateral of a municipal water system has been extended to the lot line of the property.
 - (d) **Pump Installation** means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
 - (e) **Unsafe** means a well or pump installation which produces water which is bacteriologically contaminated or

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contaminated with substances in excess of standards of Chapters NR 809 or 140, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

- (f) Well means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
 - (g) (Am. #7-03) Well Abandonment means the filling and sealing of a well according to the provisions of Ch. NR 812, Wisconsin Administrative Code.
 - (h) Well Inspector means an agent of the Waukesha Water Utility designated by its General Manager to conduct inspections of wells as required under this section. Well Inspectors must possess one of the certifications set forth under the following Wisconsin Administrative Code sections: Ch. NR §§ 146.04(2), Well Drillers and Well Constructors; 146.04(3), Pump Installers; or 845.08(2), Trained County Inspectors.
- (4) (Am. #7-03) **ABANDONMENT REQUIRED.** All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this ordinance and Ch. NR 812, Wisconsin Administrative Code, no later than one (1) year from issuance of an order to abandon by the Waukesha Water Utility, unless a well operation permit has been obtained by the well owner from the Waukesha Water Utility.
- (5) **WELL OPERATION PERMIT.** A private well owner may be granted a permit by the Waukesha Water Utility to operate a well for a period not to exceed five years which complies with the requirements of this section. If a permit is granted under this section and the property named in the permit is sold while the permit is valid, the permit shall automatically transfer to the new owner. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. A Well Inspector may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration for a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Waukesha Water Utility. A permit fee, as set by the Waukesha Water

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Utility in accordance with the Wisconsin Public Service Commission's Rules and Regulations, shall accompany the application for processing fees. The following conditions must be met for issuance or renewal of a well operation permit:

- (a) (Am. #7-03) (Am. #3-11) The pump and well installation meet or are upgraded to meet the requirements of Ch. NR 812, Wisconsin Administrative Code,
 - (b) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two (2) samplings taken a minimum of two (2) weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well,
 - (c) (Am. #3-11) (Am. #1-13) There are no cross-connections between the well and pump installation and the municipal water system. Each water distribution system is physically marked to identify the water supply source in the manner required under Ch. SPS 382.40(3)(d)3. and supply lines are physically marked in the manner required under Ch. SPS 382.40(3)(d)1. of the Wisconsin Administrative Code.
 - (d) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.
- (6) **REQUIRED NOTICE.** Whenever real estate with a well on the premises is conveyed pursuant to Chapter 706, Wisconsin Statutes, the seller shall notify the Waukesha Water Utility at least fourteen (14) days prior to the transfer of the property. The notice shall include the address of the property being conveyed and indicate whether the well is presently in use.
- (7) **AUTHORITY OF WELL INSPECTOR.** Well Inspectors shall have the power and authority at all reasonable times, for any proper purpose, to examine any property containing a well on the premises in the City of Waukesha. If entry is refused, a Well Inspector may obtain a special inspection warrant under Section 66.0119, Wisconsin Statutes. Upon request by a Well Inspector, the owner, lessee or occupant of any property so served shall furnish to the Inspector any pertinent information regarding

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the well on such property if such information is known to such owner, lessee or occupant.

- (8) **ABANDONMENT PROCEDURES.**
- (a) (Am. #7-03) All wells abandoned under the jurisdiction of this ordinance shall be abandoned according to the procedures and methods of Ch. NR 812, Wisconsin Administrative Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
 - (b) The owner of the well, or the owner's agent, shall notify the Waukesha Water Utility at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by a Well Inspector.
 - (c) A completed abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Waukesha Water Utility, the Waukesha County Environmental Health Division, and the Department of Natural Resources within thirty (30) days of the completion of the well abandonment.
- (9) **OTHER PROVISIONS NOT IN CONFLICT.** This ordinance does not supersede the State Plumbing Code, Chapter NR 811, Wisconsin Administrative Code, or Chapter 19 of the Waukesha Municipal Code, otherwise known as the "Plumbing Code." If any of the aforementioned Codes conflict with any of the provisions of this section, the most restrictive requirement shall govern.
- (10) **PENALTIES.** Any person, firm or other well owner violating any provisions of this ordinance shall, upon conviction, be subjected to a forfeiture of not less than \$20 nor more than \$500 together with the costs of prosecution. Each twenty-four hour period during which a violation exists shall be deemed, and will constitute, a separate offense. Assessment of a forfeiture penalty shall not constitute a waiver by the City or Waukesha Water Utility of any right or remedy it may have under applicable law, including, without limitation, the right to pursue abatement of unsecured abandoned wells as public nuisances under section 12.03(11) of the Municipal Code.

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