

Chapter 5

Well Abandonment

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Sec. 5-5-1 Introduction and Purpose.

The purpose of this Well Abandonment Code (hereafter "Code") to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells, which may serve as conduits for groundwater contamination and/or wells which may be cross-connected to municipal water systems, are properly abandoned.

Sec. 5-5-2 Applicability.

This Code applies to all wells on premises served by or adjacent to the Town of Westport Water Utility District within the Town of Westport.

Sec. 5-5-3 Definitions.

- (a) "*District*" means the Town of Westport Water Utility District.
- (b) "*Municipal water system*" means the water supply and distribution system owned and operated by the Town of Westport Water Utility District.
- (c) "*Noncomplying*" 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.
- (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 contaminated with substances in exceedance of the standards of Chs. NR 809 or 140, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
- (f) "*Unused*" means a well or pump installation which is not in use or does not have a functional pumping system.
- (g) "*Well*" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining ground water for consumption or other use.
- (h) "*Well Abandonment*" means the filling and sealing of a well according to the provisions of Ch. NR 811, Wisconsin Administrative Code.

Sec. 5-5-4 Abandonment Required.

All wells located on premises served by the Town of Westport Water Utility District shall be abandoned in accordance with the terms of this ordinance and Ch. NR 811, Wisconsin Administrative Code, by or no later than one (1) year from the date of connection to the municipal water system, unless a well operation permit has been obtained by the well owner from the Town of Westport Water Utility District.

Sec. 5-5-5 Annexation.

Upon annexation of lands to the Town of Westport Water Utility District, the owner or owners of such lands shall immediately file a report with the Town of Westport Water Utility District identifying all existing wells located on such lands.

Sec. 5-5-6 Well Operation Permit.

- (a) The Town of Westport Water Utility District may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The Town of Westport Water Utility District, or its agent, 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 a form provided by the Town of Westport Water Utility District. The following conditions must be met for issuance or renewal of a well operation permit:
 - (1) The well and pump installation meet or are upgraded to meet the requirements of Ch. NR 811, Wisconsin Administrative Code,
 - (2) Before a permit shall be issued or renewed, the well construction and pump installation shall have a history of producing bacteriologically safe water as evidenced by at least 2 consecutive samplings taken a minimum of two weeks apart.

After the issuance of a permit, on an annual basis, the well and pump installation shall produce bacteriologically safe water as evidenced by at least 2 consecutive samplings taken a minimum of two weeks apart. In the event a well produces 3 consecutive samplings which evidence that the water is not bacteriologically safe, or in the event the samplings are refused to be taken or the evidence from such samplings is refused to be provided, the permit shall be immediately revoked and, within 90 days of the date the permit is revoked, the well shall be abandoned pursuant to sec. 5-5-7. 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,

- (3) There are no cross-connections between the well and pump installation and the municipal water system, and
- (4) 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.
- (b) The permit for private well operation shall be issued to an individual owner and is not transferable. Upon transfer of ownership of the property by conveyance, death or devise (or a transfer of a majority of the beneficial ownership interests in the owner in the case of a corporation, association or cooperative), the new property owner must abandon the well in accordance with the provisions of this Ordinance.
- (c) The fee for this permit is \$100 per year, to be paid annually.

Sec. 5-5-7 Abandonment Procedures.

- (a) All wells abandoned under the jurisdiction of this Code or rules of the Town of Westport Water Utility District shall be abandoned according to the procedures and methods of Ch. NR 811, 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 Utility Superintendent at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by Town of Westport Water Utility District personnel.
- (c) All persons performing the actual abandonment of the well on the owners behalf must receive the prior written approval of the District prior to engaging in well abandonment activities. The abandonment shall be performed by a licensed well driller or pump installer.
- (d) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Town of Westport Water Utility District and the Department of Natural Resources within ten (10) days of the completion of the well abandonment.

Sec. 5-5-8 New Private Wells; Livestock Use Wells.

- (a) ***New Private Wells Prohibited.*** New private wells shall not be constructed within the Town of Westport Water Utility District system when a water main exists less than 200 feet from the nearest point of the property to the Town of Westport Water Utility District main, unless a Livestock Use Well Permit has been obtained by the property owner. In the absence of a Livestock Use Well Permit, service shall be provided by the Town of Westport Water Utility District. Extension and connection charges will be paid in accordance with Chapter 10 as may be amended.
- (b) ***Livestock Use Well Permit.*** The Town of Westport Water Utility District may grant a Livestock Use Well Permit to a property owner to construct and operate a well for a period not to exceed 5 years provided that all of the following conditions are met:
- (1) The size of the parcel of property on which the well would be constructed and/or operated is 35 acres or larger.
 - (2) The property on which the well would be constructed and/or operated is zoned for use as agriculture.
 - (3) The well would be used only for the watering of livestock, such as cattle, horses, sheep and pigs, and would not be used for any other uses, including other agricultural, ornamental, irrigation, gardening, or human consumption uses.
 - (4) The well pump shall not be capable of pumping more than 100 gallons of water per minute.
 - (5) The well shall not be drilled deeper than 200 feet.
- (c) ***Livestock Use Well Permit Issuance and Renewal.***
- (1) The Livestock Use Well Permit shall be granted only to the property owner and is not transferrable. The Livestock Use Well Permit shall automatically terminate upon the transfer of ownership of the property by conveyance, death or devise (or a transfer of a majority of the beneficial ownership interests in the owner in the case of a corporation, association or cooperative). Upon such transfer of ownership, the new property owner shall, within 90 days, either apply for a Livestock Use Well Permit pursuant to this section, or abandon the well in accordance with the provisions of this Chapter.
 - (2) A property owner may make a request for the renewal of an issued Livestock Use Well Permit by submitting information verifying that the conditions of this section are met. The Town of Westport Water Utility District, or its agent, may conduct inspections to verify information necessary for consideration of a permit or renewal application. Permit and renewal applications shall be made on a form provided by the Town of Westport Water Utility District.
 - (3) In addition to the requirements of this section, the conditions contained in sections 5-5-6(a)(1)-(4), above, must be met for the issuance, continuance or renewal of a Livestock Use Well Permit.
 - (4) The fee for this permit is \$100 per year, to be paid annually.

Sec. 5-5-9 Enforcement and Abatement.

- (a) **Violations Constitute Public Nuisance.** Any violation by any person of the provisions of this Ordinance shall constitute a public nuisance; and such nuisance may be enjoined and this Ordinance enforced as provided for in Ch. 823 of the Wisconsin Statutes.
- (b) **Damages.** Any person found in violation of this Ordinance shall pay to the District such damages, losses or expenses as may be sustained by the District as a result of the violation, including but not limited to attorney's fees and other costs of enforcement proceedings.
- (c) **Mandatory Abandonment.** If any person found in violation of this Ordinance shall fail to comply with the terms hereof for more than ten (10) days after receipt of written notice of such violation, the District may enter upon the premises of such person, may cause the well abandonment to be performed and may assess the cost and expense thereof, as a special tax or charge against the said premises.
- (d) **Fines.** Any person found in violation of any provision of this Ordinance shall forfeit the sum of One Thousand Dollars (\$1,000.00) for each day the violation shall continue; and it is hereby declared that each day a violation shall continue shall constitute a separate violation for purposes hereof.
- (e) **Remedies Cumulative.** All remedies provided for in this Ordinance are distinct and cumulative to any other right or remedy contained herein or afforded by law or in equity; and may be exercised by the District concurrently, independently or successively.