

**WATER UTILITY**

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**SUBCHAPTER I – WATER UTILITY**

**8.01 GENERAL.**

The Village has determined that it is in the best interest of the community to provide municipal water to existing developed areas and newly developing areas of the Village to promote the health, safety, and convenience of its people and to safeguard the water resources common to all. When considering the installation of municipal water into existing developed areas, the Village Board shall order the installation and assessment against adjacent property owners only if one (1) or more of the following criteria apply:

- (1) There is a need to feed a larger area of a major development;
- (2) On a needs-only basis (i.e., failing onsite systems);
- (3) When fifty-one percent (51%) of the residents of that area want public utilities; or
- (4) There is a regulatory requirement.

The Board has determined that it is the obligation of the water users to defray the cost of providing potable water in an equitable manner, and insofar as it is practical, in proportion to the cost of providing such services to respective users.

**8.02 INTENT AND PURPOSE.**

- (1) Establish rules regulating connections to the Village water system.
- (2) Identify the procedures used by the Village in billing.
- (3) Properly identify, monitor, and bill all users in compliance with applicable state and federal law guidelines.
- (4) Provide penalties for the violations of these rules including violations of any orders, permits, or notices issued pursuant to them.

**8.03 DEFINITIONS.**

(1) **Backflow.** The undesirable flow of water or mixtures of water and other liquids, gases, or other substances under positive or reduced pressure into the utility distribution pipes of the potable supply of water from any source.

(2) **Backflow Preventer.** A device or means designed to prevent backflow caused by backpressure or back-siphonage; most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve assembly, pressure

vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.

**(3) Backpressure.** An elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam and/or air pressure) above the utility supply pressure, which would cause or tend to cause a reversal of the normal direction of flow.

**(4) Clerk.** Clerk of the Village.

**(5) Cross Connection.** Means any connection between two (2) otherwise separate systems, one (1) of which contains potable water from a public water system and the other water from a private source.

**(6) Director.** Means the Director of Public Works or his or her designee.

**(7) Lateral.** That portion of a water line serving a property which is located between the curb stop and the building served.

**(8) Operation and Maintenance Costs.** All costs associated with the operation and maintenance of the water system, including administration and replacement costs.

**(9) Person.** Any person, natural or artificial, including any individual, firm, company, municipality, private corporation, association, society, institution, enterprise, governmental agency, or other entity connected to the municipal water system.

**(10) Private Water System.** Means a privately-owned water main serving two (2) or more buildings and not directly controlled by the Village Utility.

**(11) PSC.** Means Public Service Commission of Wisconsin.

**(12) Public Water System.** A series of wells, storage tanks, piping, and all related appurtenances for supplying potable water, provided by or subject to the jurisdiction of the Village Utility.

**(13) Replacement Costs.** Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the water system to maintain the capacity and performance for which such systems were designed and constructed.

**(14) REU.** Residential Equivalent Unit. As defined in the 2004 Utility Rate Study, an REU is a residential living space required to house one (1) family regardless of size.

**(15) Utility.** The Suamico Water and Sewer Utility.

**(16) Village.** The Village of Suamico.

**(17) Water Service Charge.** A charge levied on users of the public water system for the user's proportional share of the cost of operation, maintenance, debt service, and replacement of said system.

#### **8.04 WATER RULES AND REGULATIONS.**

**(1) User Rules and Regulations.** The rules, regulations, and water rates hereinafter set forth in this chapter shall be considered a contract with every person, who is connected to the water system and every such person by connection to the Public Water System shall be considered as expressing his or their agreement to be bound thereby. Whenever any of said rules and regulations, or such others as the Village may hereafter adopt are violated, the service shall be shut off from the building or place of such violation (even though two (2) or more parties are receiving service through the same connection) and shall not be re-established except by order of the Director on payment of all arrears, the expenses and established charges of shutting off and turning on, and such other terms as the Director may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. The right is reserved by the Village to change the said rules, regulations, and the water rates from

time to time as they may deem advisable; and to make special rates and contracts in all proper cases, all subject to the authority of the Wisconsin Public Service Commission.

**(2) PSC Rate File.** In addition to the rules and regulations contained herein, the Utility adopts and fully incorporates the most recent version of the PSC rate file, which is kept on file in the office of the Clerk.

**(3) Utility Responsibility.** It is expressly stipulated that no claim shall be made against the Village or its officers or duly authorized representatives by reason of breaking, clogging, stoppage, or freezing of any service pipe; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary.

**(4) Control of Water Service.** Except for duly authorized Village personnel, and the persons, firms and corporations working under the direct supervision of the Village, no person shall, and no person shall allow or permit any employee, representative or other person under his or her supervision, control or direction to:

(a) Turn water on or off at any water service curb stop, unless previously authorized to do so by the Director.

(b) Use water for construction purposes without first obtaining written approval from the Director and obtaining a meter from the Village to monitor usage.

(c) Break, tamper with, or remove any meter seal.

(d) Remove, relocate, disconnect, or alter any water meter or remote meter register head.

(e) Open, use water from, or tamper with any fire hydrant or valve, or use any fire hydrant for a purpose other than fire containment except that authorized Village employees may use such hydrants for the cleaning and flushing of streets or sewers, except as authorized by the Director.

**(5) Tapping of Water Mains.** No persons, except those having a permit from the Director, will be permitted, under any circumstances to tap the water mains or distribution pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from the Director. All taps shall be made on the top half of the pipe, and not within eighteen inches (18") of a joint, or within twenty-four inches (24") of another connection. A department representative shall be onsite to observe all connections to the municipal system.

**(6) Installation of Water Service Lines and Laterals.**

(a) No person shall install any water service line or lateral without first having obtained a permit from the Director.

(b) During all lateral installations, a department representative shall be onsite to observe all connections to the municipal system.

**(7) Cross-Connection Prohibited.** No person shall establish or permit to be established or maintain or permit to be maintained any cross connection.

**(8) Inspections.** It shall be the duty of the Utility to cause inspection to be made of all properties serviced by the Utility where cross connection with the Public Water System is deemed possible.

(a) Residential properties serviced by the Utility shall be inspected on a maximum ten (10) year interval.

(b) All non-residential properties serviced by the Utility shall be required to have a private inspection for cross connection as required by NR 810 of the Wisconsin Administrative Code. Proof of inspection must be completed by a licensed plumber/certified inspector and the results submitted to the Village.

(c) The Utility may, but is not required to, perform the cross-connection inspection of the owner's property.

(d) If, in the opinion of the Director, the Utility is not able to perform the inspection, the property owner must, at his or her own expense, have the plumbing inspected for cross-connections by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber.

(e) The frequency of required inspections and re-inspections, based on potential health hazards involved, may be shortened by the Utility. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for re-inspection due to customer non-compliance and for after-hours inspections or re-inspections.

**(9) Right of Entry.** Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the Public Water System of the Utility for cross connection. If entry is refused, such representatives shall obtain a special inspection warrant under Wis. Stats. §66.0119.

(a) The Utility shall charge the property owner a fee of twenty dollars (\$20) per day for refusal to allow entry to examine any property.

(b) Upon request, the owner, lessor, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.

**(10) Authority to Discontinue Service.** The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any damage or contamination of the Public Water System.

(a) Water service shall be discontinued if the means of backflow prevention

required by the Utility is not installed, tested, maintained, and repaired in compliance with this ordinance and Wis. Adm. Code NR 811 or if it is found that the means of backflow prevention required by this chapter has been removed or bypassed.

(b) Water service shall be discontinued only after reasonable notice and opportunity for hearing under Wis. Stats. Ch. 68 in front of the Board, except as provided in Subsection (7) of this section.

**(11) Reconnection of Service.** Water service to any property discontinued under the provisions of this chapter shall not be restored until the cross connection has been eliminated or a backflow prevention device approved by the Director has been installed in compliance with the provisions of this section. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.

**(12) Emergency Discontinuance of Service.** If it is determined by the Director that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee, or occupant shall have an opportunity for hearing under Wis. Stats. Ch. 68, within ten (10) days of such emergency discontinuance. Such hearing shall be before the Village Board of Appeals, and shall conform to all existing due process requirements.

**(13) Owner Responsibility.** The property owner shall be responsible for the elimination of or protection from all cross connections on his or her premises.

(a) The owner shall, at his or her expense:

1. have installed, maintained, and tested any and all backflow preventers on his or her premises in compliance with Wis. Adm. Code NR 811 and Comm 82.

2. have corrected any malfunction, revealed by periodic testing, of any backflow preventer on his or her premises.

3. inform the Utility of any proposed or modified cross connections and also any existing cross connections that are not protected by an approved backflow prevention device.

(b) The property owner shall not:

1. install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Property owners who cannot shut down operation for testing of the backflow prevention device must supply additional devices necessary to allow testing to take place.

(c) In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M14 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control", unless the Director requires or authorizes other means of protecting the Public Water System. These requirements or authorizations will be at the discretion of the Director.

**(14) Additional Protection.** In the case of premises having internal cross connections that cannot be permanently corrected or controlled, or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the Public Water System shall be protected against backflow from the premises by installing an approved backflow preventer in the service line.

(a) In the case of any premises where there is any material dangerous to health that

is handled in such a manner that, in the opinion of the Director, could create an actual or potential hazard to the Public Water System, the Public Water System shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants, and car wash establishments.

(b) In the case of any premises where, in the opinion of the Director, an undue health threat is posed because of the presence of toxic substances, the Director may require an approved air gap at the service connection to protect the Public Water System. This requirement will be at the discretion of the Director.

**(15) Wis. Adm. Code.** Wisconsin Administrative Comm. 82 is hereby adopted, except any penalty provisions therein. Wis. Adm. Codes NR 810 and 812 is hereby adopted. Wisconsin Public Service Code 185 is hereby adopted in its entirety.

**(16) Plumbing Code.** This section does not supersede the State of Wisconsin Plumbing Code, Comm. 81–87, but is supplementary thereto.

**(17) Well Abandonment and Well Operation Permit.** NR 810, Wis. Adm. Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or non-complying wells located on the premises served by their system, and to provide a permit system to allow retention of safe and code compliant 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.

## Village of Suamico

(a) To protect public health, safety, and welfare and to prevent contamination of groundwater by assuring that unused, unsafe, or non-complying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross connected to the municipal water system, are properly maintained or abandoned, all wells on premises served by the municipal water system shall be properly abandoned in accordance with Section 8.04 (6) of this chapter not later than one hundred eighty (180) days 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 Village under terms of Section 8.04 (17) (b) herein.

(b) Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make applications for a well operation permit for each well at the time of connection to the municipal water system.

1. The Public Works Director or his or her designee shall grant a permit to a well owner to operate a well for a period not to exceed five (5) years providing all conditions of this section are met.

2. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met.

3. The Village, 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 permit application or renewal.

4. Permit applications and renewals shall be made on forms provided by the Clerk. All initial and renewal applications must be accompanied by a fee as set from time to time by resolution of the Board. The following conditions must be met for

issuance or renewal of a well operation permit:

a. The well and pump installation shall meet the standards described in NR 812 Wis. Adm. Code. (Complete WDNR well inspection form, currently #3300-233.)

b. The well and pump shall have a history of producing safe water evidenced by no less than one (1) Coliform bacteria sample. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.

c. There shall be no cross connections between the well's pump installation or distribution piping and the municipal water system.

d. 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.

e. The private well shall have a functional pumping system.

f. The proposed use of the private well shall be justified as reasonable outside use.

### **(18) Abandonment Procedures.**

(a) All wells abandoned under the jurisdiction of this chapter shall be done according to the procedures and methods of s. NR 812, Wis. Adm. Code. (Complete WDNR form for well abandonment, currently #3300-5b.) All debris, pumps, 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 be required to obtain a well abandonment permit from the Village prior to any well abandonment and shall notify the Director at least forty-eight (48) hours in advance of any well abandonment activities. The abandonment of the well

may be observed or verified by personnel of the municipal system.

(c) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Director and the Department of Natural Resources Private Water Supply Section, Green Bay, Wisconsin, within thirty (30) days of the completion of the well abandonment.

**(19) Mandatory Hookup.**

(a) The owner of each parcel of land adjacent to a water main on which there exists a building usable for human habitation or in a block through which such system is extended located within the corporate limits of the Village shall connect to such system within six (6) months of notice in writing from Village.

1. Upon failure to do so, the Village may cause such connection to be made and bill the property owner for such costs.

2. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to Wis. Stats. §281.45, provided, however, that the owner may, within thirty (30) days after the completion of the work, file a written request with the Village stating that he or she cannot pay such amount in one (1) sum and ask that there be levied in not to exceed ten (10) equal annual installments and that the amount shall be so collected with interest at the rate of twelve percent (12%) per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Wis. Stats. §281.45.

(b) This chapter ordains that the failure to connect to the water system is contrary to the minimum health standards of the Utility and fails to assure preservation of public health, utility comfort and safety of said Utility.

**8.05 WATER SERVICE CHARGE SYSTEM.**

(1) **General Policy.** It shall be the policy of the Village to obtain sufficient revenues to pay the costs of the operation and maintenance of the public water supply system, including debt service and replacement costs, through a system of water service charges as defined in this section. The system shall assure that each user of the water system pays their fair and proportionate share of the cost of such facilities.

(2) **Rate Orders Adopted.** The current applicable Public Service Commission Rate Orders governing the Village water utility are hereby incorporated by reference.

(3) **Payment.** Users billed by the Suamico Sewer and Water Utility shall make payment in accordance with the current rules and regulations of the Utility in accordance with PSC 185 for payment of bills. Such payments shall be made at the office of the Water Utility or any other officially designated location at the same time that the bills become due.

(4) **Delinquency.** Bills for sewer service charges and water charges levied and assessed in accordance with this chapter and resolutions adopted pursuant hereto and the rules and regulations of the Suamico Sewer and Water Utility shall become due and payable within twenty (20) days after the date of billing. All overdue accounts in excess of twenty (20) days after the due date shall be charged a penalty of three percent (3%) for unpaid balances. Schedule Mg-1

(5) **Ownership and Occupancy.** Change of ownership or occupancy of premises under provisions of this section shall not be cause for reducing or eliminating charges due and penalties.

(6) **Designation.** The Administrator or his or her designee is hereby designated the employee to respond to any Public Service

Commission issues in accordance with Wis. Adm. Code Section 185.39.

**8.06 INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin statutes or Wis. Adm. Code. Where any terms or requirements of this chapter may be inconsistent or conflicting, the state statute or administrative code provision shall apply. Where a provision of this chapter is required by Wisconsin statutes, or by standards in Chapter PSC 185, Wis. Adm. Code, or its successor chapters and where this ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin statutes and Chapter PSC 185, Wis. Adm. Code standards or its successor chapter in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this chapter.

## **SUBCHAPTER II – WELLHEAD PROTECTION**

### **8.10 WELLHEAD PROTECTION.**

(1) **Title of Ordinance.** This ordinance shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereinafter referred to as "WHP Ordinance".)

(2) **Purpose, Authority, and Application.**

(1) Residents in the Village depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this WHP ordinance is to institute land use regulations and restrictions to protect the Village's municipal water supply and well fields, and to promote the

health, safety and general welfare of the residents of the Village.

(2) Statutory authority of the Village to enact these regulations was established by the Wisconsin Legislature in Wis. Stats. §62.23(7)(a) and (c). Under these statutes, the Village has the authority to enact this ordinance, effective in the incorporated areas of the Village, to encourage the protection of groundwater resources.

(3) The regulations specified in this WHP ordinance shall apply within the Village's corporate limits.

**(3) Definitions.**

(a) *Aquifer.* A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.

(b) *Existing Facilities.* Current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the Village's wellhead protection area that lies within the corporate limits of the Village. Existing facilities include but are not limited to the type listed in the Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form which is incorporated herein as if fully set forth [consult your municipal attorney regarding incorporation by reference Form 3300-215.].

(c) *Recharge Area.* The land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well. This area extends beyond the corporate limits of the Village.

(d) *Groundwater Protection Overlay District.* That portion of the recharge area for the Village wells that lies within the Village limits as shown in the map attached hereto as Exhibit "A" and incorporated herein as if fully set forth.

(e) *Well Field.* A piece of land used primarily for the purpose of supplying a



location for construction of wells to supply a municipal water system.

(f) *Zone A.* An area within four hundred feet (400') of a municipal well.

(g) *Zone B.* An area lying between four hundred feet (400') and one thousand feet (1,000') of a municipal well.

(h) *Zone C.* An area lying between one thousand feet (1,000') and one thousand two hundred feet (1,200') feet of a municipal well.

**(4) Groundwater Protection Overlay District.**

(a) *Separation Distances.* The following minimum separation distances shall be maintained within the Groundwater Protection Overlay District.

1. Fifty feet (50') between a well and storm sewer main.

2. Two hundred feet (200') between a well and any sanitary sewer main, sanitary sewer manhole, lift station or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than fifty feet (50').

3. Four hundred feet (400') between a well and a septic tank or soil adsorption unit receiving less than eight thousand (8,000) gallons per day, a cemetery or a storm water drainage pond.

4. Six hundred feet (600') between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under s. Comm 10.10, Wis. Adm. Code.

5. One thousand feet (1,000') between a well and land application of municipal,

commercial or industrial waste; boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under Ch. NR 718 while that facility is in operation; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving eight thousand (8,000) gallons per day or more.

6. One thousand two hundred feet (1,200') between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Ch. NR 140 enforcement standards that is shown on the Department of Natural Resources' geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under S. Comm 10.10, Wis. Adm. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

(b) *Three (3) Overlay District Zones.* This District is hereby divided into Zones A, B, and C.

1. Zone A. Identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contamination to the municipal wells. Zone A is more restrictive than Zones B or C.

2. Permitted Uses - Zone A. The following uses are permitted uses within the groundwater protection Zone A. Uses not listed shall be considered prohibited uses:

- a. Parks, provided there is no onsite waste disposal or fuel storage tank facilities associated with this use.
- b. Playgrounds.

- c. Wildlife areas.
- d. Non-motorized trails, such as bike, skiing, nature and fitness trails.
- e. Residential, commercial and industrial property, which is municipally sewered, and free of flammable and combustible liquid and underground storage tanks (USTs).

3. Zone B. Identified as a secondary source of water for the municipal wells because of the large cone of depression and a greater time of travel. Zone B is less restrictive than Zone A, but more restrictive than Zone C.

4. Permitted Uses - Zone B. The following uses are permitted uses within the groundwater protection Zone B. Uses not listed shall be considered prohibited uses:

- a. All uses listed as permitted uses in Zone A.
- b. Above-ground petroleum product storage tanks less than six hundred sixty (660) gallons. All new or replaced tanks shall be installed in compliance with Ch. Comm 10, Wis. Adm. Code.
- c. Residential, commercial and industrial property which is municipally sewered or has a state-approved sewer and septic system.

5. Zone C. Identified as the Groundwater Protection Overlay District, excluding those areas within Zone A and Zone B.

6. Permitted Uses - Zone C. All uses listed as permitted in Zone A and Zone B. Individuals and/or facilities may make a request to the Utilities Commission to permit additional land uses in Zone C.

7. Mapping. The location and boundaries of the zoning districts established by this ordinance are set forth on the attached Exhibit "A" which is incorporated herein and hereby made a part of this ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part

of this ordinance as though fully set forth and described herein.

**(5) Review of Permit Application.**

(a) The Village shall review all requests for approval of permits for land uses in the Groundwater Protection Overlay District. All determinations shall be made by the Village within sixty (60) days of any request for approval, provided however, that this sixty (60) day period of limitation may be extended by the Village for "good cause", as determined in the sole and absolute discretion of the Village.

(b) Upon reviewing all requests for approval, the Village shall consider all of the following factors:

1. The Village's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.
2. The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade groundwater quality in the Village or the Village's recharge area.
3. The economic hardship which may be faced by the landowner if the application is denied.
4. The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.
5. The proximity of the applicant's property to other potential sources of contamination.
6. The existing condition of the Village's groundwater public water wells and well fields, and the vulnerability to further contamination.
7. The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.

8. Any other hydro geological data or information which is available from any public or private agency or organization.

9. The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

(c) Any exemptions granted will be made conditional and may include environmental and/or safety monitoring which indicates whether the facility may be emitting any releases or harmful contaminants to the surrounding environment. The facility will be held financially responsible for all environmental cleanup costs. The Village may require that a bond be posted for future monitoring and cleanup costs if deemed necessary at the time of granting an exemption.

(d) The applicant shall be solely and exclusively responsible for any and all costs associated with the application, including all of the following:

1. The cost of an environmental impact study if so required by the Village or its designee.

2. The cost of groundwater monitoring or groundwater wells if required by the Village or its designee.

3. The costs of an appraisal for the property or other property evaluation expense if required by the Village or its designee.

4. The costs of Village's employee's time associated in any way with the application based on the hourly rate paid to the employee multiplied by a factor, determined by the Village, representing the Village's costs for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and other similar benefits.

5. The cost of Village equipment employed.

6. The cost of mileage reimbursed to the Village employees.

**(6) Requirements for Existing Facilities and Land Uses.**

(a) Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results to the Village.

(b) Existing facilities shall provide additional environmental or safety monitoring as deemed necessary by the Village, specifically including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.

(c) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(d) Existing facilities shall have the responsibility of devising and/or filing with the Village, a contingency plan satisfactory to the Utility Commission for the immediate notification of the appropriate Village officers in the event of an emergency.

(e) Property owners with an existing agricultural use shall be exempt from requirements of this ordinance as they relate to restrictions on agricultural uses, provided however, that such exemption shall only apply to the property owners in existence at the time of passage of the ordinance and this exemption shall not constitute a covenant running with the land.

**(7) Enforcement and Penalties.**

(a) In the event an individual and/or facility causes the release of any contaminants which endanger the Groundwater Protection Overlay District, the individual/facility causing said release shall immediately cease and desist, and provide cleanup satisfactory to the Village.

(b) The individual/facility shall be responsible for all costs of cleanup and the Village consultant fees at the invoice amount plus administrative costs for oversight, review and documentation, including all of the following:

1. The cost of Village employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village, representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

2. The cost of Village equipment employed.

3. The cost of mileage reimbursed to the Village employees attributed to the cleanup.

(c) Following any such discharge, the Village may require additional test monitoring or other requirements as outlined in Sections 6 and 7 herein.

(d) *Violations.* It shall be unlawful to construct or use any structure, land or water in violation of this ordinance. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this ordinance.

**(8) Severability Clause.** The provisions of this ordinance shall be deemed severable and it is expressly declared that Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance or the application of such other provisions to other persons or circumstances shall not be affected.

**8.99 VIOLATIONS AND ENFORCEMENT.** Any person violating any of the provisions of this section or tampering with metering or sampling shall be liable to the Village for any expense, loss, or damage occasioned by such violation and upon conviction of any violation of this section shall be subject to a forfeiture of not less than one hundred dollars (\$100) or more than two thousand five hundred dollars

(\$2,500) per violation, plus damages. Each day a condition is allowed to exist which is contrary to all or any part of this section shall constitute a new violation.

**(1) Appeal Procedures.** Any user affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provisions of this chapter may file with the Director a written request for reconsideration within ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Director shall render a decision on the request for reconsideration to the user in writing within fifteen (15) days of receipt of request. The person requesting reconsideration may, within ten (10) days after notification on the action, file a written appeal with the Board in accordance with Wis. Stats. Ch. 68.

Village of Suamico

*Chapter 8*

*Ordinance 2008-02 Creating Subchapter II, Wellhead Protection (WHP)*

*Adopted 3-3-08*

*Ordinance 2008-25 Amendment to Chapter 8.04*

*Adopted 9-15-08*

*Ordinance 2009-12 Amending Section 8.04 (8) (b)*

*Adopted 5-18-09*

*Ordinance 2009-16 Amending Section 8*

*Adopted 6-15-09*

*Ordinance 2010-10 Amending Chapter 8.05(3), 8.05(5), & 8.05(6) Water Utility*

*Adopted 3-29-10*

*Ordinance 2011-02 Amending Chapter 8 Water Utility*

*Adopted 3-21-11*

*Ordinance 2012-02 Amending Chapter 8 Water Utility of the Village Code*

*Adopted 4-16-12*