

Village of Almena, WI  
Tuesday, July 30, 2024

## Chapter 310. Wellhead Protection

[HISTORY: Adopted by the Village Board of the Village of Almena as Ch. 23 of the former Village Code. Amendments noted where applicable.]

### § 310-1. Title; purpose; authority; applicability.

- A. Title. This chapter shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereafter "WHP Ordinance").
- B. Purpose and authority.
  - (1) The residents of the Village of Almena (hereafter "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 the WHP Ordinance is to institute land use regulations and restrictions to protect the Village municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Village.
  - (2) These regulations are established pursuant to the authority granted to Villages by the Wisconsin Legislature in § 62.23(7) Wis. Stats., to adopt ordinances to protect groundwater.
- C. Applicability. The regulations specified in this chapter shall apply within the Village boundary limits.

### § 310-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **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.

#### **GROUNDWATER DIVIDE**

A ridge in the water table or the potentiometric surface from which groundwater flows away at right angles in both directions. A groundwater divide is represented by the line of highest hydraulic head in the water table or potentiometric surface.

#### **GROUNDWATER PROTECTION OVERLAY DISTRICT**

That area described within the Village's Wellhead Protection Plan. A copy of the Village's Wellhead Protection Plan can be obtained from the Village Clerk.

#### **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.

#### **TIME OF TRAVEL**

The determined or estimated time required for a contaminant to move in the saturated zone from a specific point to a well.

## 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.

## § 310-3. Groundwater Protection Overlay District.

Groundwater Protection Overlay District (hereafter "District"):

- A. Intent. The area to be protected as a District is based on the delineated Wellhead Protection Area in the Wellhead Protection Plan, Wells #1 and #2, Village of Almena, September 2003. As noted in the plan the area has been extended to include convenient geographic boundaries rather than the exact calculated oval. These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination.
- B. Permitted uses. Subject to the exemptions listed in § **310-3E**, the following are the only permitted uses within the district. Uses not listed are to be considered nonpermitted uses.
  - (1) Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
  - (2) Playgrounds.
  - (3) Wildlife areas.
  - (4) Nonmotorized trails, such as hiking, skiing, nature and fitness trails.
  - (5) Municipally sewerer residential development, free of flammable and combustible liquid underground storage tanks.
  - (6) Municipally sewerer business development zoned B-1, except for the following uses:
    - (a) Above- or below-ground storage tanks.
    - (b) Asbestos product sales.
    - (c) Automotive service and repair garages, body shops.
    - (d) Blueprinting and photocopying services.
    - (e) Car washes.
    - (f) Equipment repair services.
    - (g) Laundromats.
    - (h) Dry cleaning.
    - (i) Gas stations.
    - (j) Holding ponds or lagoons.
    - (k) Infiltration ponds.
    - (l) Nurseries, lawn and garden supply stores.
    - (m) Small engine repair services.
    - (n) Wells: private, production, injection or other.

- (o) Any other use determined by the Village Zoning Administrator to be similar in nature to the above-listed items.
- C. Separation distances. The following separation distances as specified in reference to § NR 811.12(5)(d), Wis. Adm. Code, shall be maintained and shall not be exempted as listed in Subsection E.
- (1) Fifty feet between a well and a storm sewer main.
  - (2) Two hundred feet between a well and any sanitary sewer main, lift station or a 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 AWWA C600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.
  - (3) Four hundred feet between a well and a septic system, tank, or drain field, and receiving less than 8,000 gallons per day, a cemetery or a stormwater drainage pond.
  - (4) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Agriculture, Trade and Consumer Protection or its designated agent under Ch. ATP 93, Wis. Adm. Code.  
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
  - (5) One thousand feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal wastewater, lagoons or storage structures; manure stacks or storage structures; and septic tanks or soils absorption units receiving 8,000 gallons per day or more.
  - (6) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, one time disposal or small demolition facility; sanitary landfill; coal storage area; gasoline or fuel oil storage tanks that have not received written approval from the Wisconsin Department of Agriculture, Trade and Consumer Protection or its designated agent under Ch. ATP 93, Wis. Adm. Code; bulk fuel storage facilities and pesticide handling or storage facilities.  
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- D. Requirements for existing facilities.
- (1) Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and ongoing environmental monitoring results to the Village.
  - (2) Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Village, which may include but is not limited to stormwater runoff management and monitoring.
  - (3) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
  - (4) Existing facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification of Village officials in the event of an emergency.
- E. Exemptions and waivers.
- (1) Individuals and/or facilities may request the Village in writing to permit additional land uses in the District.
  - (2) All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the Village and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the Village and/or designee(s) for recommendation and final decision by the Village Board.

- (3) The individual/facility shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.
- (4) Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or securities satisfactory to the Village.

## § 310-4. Enforcement; violations and penalties.

- A. In the event that an individual and/or facility causes the release of any contaminants which endanger the district, the individual and/or facility causing said release shall immediately stop the release and clean up the release to the satisfaction of the Village.
- B. The individual/facility shall be responsible for all costs of cleanup, including all of the following:
  - (1) Village consultant fees at the invoice amount plus administrative costs for oversight, review and documentation.
  - (2) The cost of Village employees' time associated in any way with 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.
  - (3) The cost of Village equipment employed.
  - (4) The cost of mileage reimbursed to Village employees attributed to the cleanup.
- C. Following any such discharge the Village may require additional test monitoring and/or bonds/securities.
- D. Forfeitures; costs.
  - (1) Any person or entity violating any provision of this chapter shall be subject to a forfeiture of not less than \$100 nor more \$1,000 plus court costs, or, for failure to pay such forfeiture, up to 90 days in jail. Every day a violation continues may be considered a separate offense.
  - (2) Any person or entity violating any provision of this chapter who does not take the required remedial action, as determined by the Village, to correct or terminate such violation may be subject to an action for injunction or mandamus in a court of proper jurisdiction to require correction or termination of said violation.
  - (3) In lieu of or in addition to any other enforcement action, if the violator does not promptly begin to correct the violation, the Village may take such action as is reasonably necessary to correct it. The actual cost of such action shall be chargeable to the violator and, if not paid in the time provided when such costs are billed to the violator, may be added to the property tax roll as a special tax and/or may be recoverable in a suit to collect such costs.

## § 310-5. Severability.

If any section, subsection, sentence, clause, paragraph or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase or portion thereof. The Village Board of the Village of Almena hereby declares that they would have passed this chapter and each section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.

## § 310-6. Repealer; conflict with other provisions.

All ordinances in conflict with the foregoing are hereby repealed or amended to read consistent with this chapter.