

**AN ORDINANCE CREATING WELLHEAD PROTECTION WITHIN THE TOWN OF SCOTT TO
PROTECT THE TOWN'S GROUNDWATER AQUIFER AND MUNICIPAL WATER SUPPLY**

**CHAPTER 370
WELLHEAD PROTECTION**

- A. The Town Board of the Town of Scott, Brown County, Wisconsin, does hereby ordain as follows:
Of the **CODE OF ORDINANCES OF THE TOWN OF SCOTT** is hereby created to read
as follows: TITLE - This chapter shall be known, cited and referred to as the "Wellhead
Protection Ordinance".

ARTICLE I

§370-1. Purpose and Authority.

- A. The residents of the Town of Scott (hereafter Town) depend on groundwater for a safe drinking water backup supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the Wellhead Protection Ordinance (hereafter WHP Ordinance) is to institute land use regulations and restrictions to protect the Town municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Town.
- B. These regulations are established pursuant to the authority granted to towns by the Wisconsin Legislature in §§ 60.61(1), (2)(g), and 60.62, 62.23(7)(a) and (c), Wis. Stats., to adopt ordinances to protect groundwater.

§370-2. Applicability.

- A. The regulations specified in the WHP Ordinance shall apply within the Town of Scott boundary limits.

§370-3. Definitions.

- A. **AQUIFER** - A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.
- B. **EXISTING FACILITIES** - The current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the Town's wellhead protection area that lies within the corporate limits of the Town. Existing facilities include but are not limited to the type listed in the Department of Natural Resources' Public Water Supply Potential Contaminant Use Inventory Form which is incorporated herein as if fully set forth.
- C. **GROUNDWATER PROTECTION OVERLAY AREA** - That area described within the Town's wellhead protection plan. Herein after "The Overlay Area".
- D. **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.
- 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.

§370-4. Groundwater Protection Overlay Area.

- A. **INTENT.** The area to be protected as a District is that portion of the Appealing well fields' recharge areas extending to the groundwater divide contained within the Town boundary limits and shown on the attached map. 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 section §370-4 E., the following are the only permitted uses within The Overlay Area. Uses not listed are to be considered non-permitted 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. Non-motorized trails, such as biking, skiing, nature and fitness trails.
 5. Municipally sewerred residential development, free of flammable and combustibile liquid underground storage tanks.
 6. Municipally sewerred business development zoned B-1, or B-2, except for the following uses:
 - a. Above ground storage tanks.
 - b. Asbestos product sales.
 - c. Automotive service and repair garages, body shops.
 - d. Blue printing and photocopying services.
 - e. Car washes.
 - f. Equipment repair services.
 - g. Laundromats and diaper services.
 - 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. Underground storage tanks.
 - o. Wells, private, production, injection or other.
 - p. Any other use determined by the Town Zoning Administrator to be similar in nature to the above listed items.
 7. Agricultural uses in accordance with the county soil conservation department's best management practices guidelines.
- C. **SEPARATION DISTANCES.** The following separation distances as specified in s. NR 811.16(4)(d), Wis. Adm. Code, shall be maintained and shall not be exempted as listed in section (3)(e).
1. 50 feet between a well and storm sewer mains.
 2. A distance of 200 feet between a well and any sanitary sewer main, sanitary sewer manhole, 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. 400 feet between a well and a septic tank or soil adsorption unit receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.

4. 600 feet 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. 1,000 feet between a well and land application of municipal, commercial or industrial waste; the boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under ch. NR 718 while that facility is in operation; industrial, commercial or municipal wastewater lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.
6. 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.
7. 1,200 feet 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.

D. REQUIREMENTS FOR EXISTING FACILITIES

1. Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and on-going environmental monitoring results to the Town.
2. Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Town, 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 Town a contingency plan satisfactory to the Town for the immediate notification of Town officials in the event of an emergency.

E. EXEMPTIONS AND WAIVERS

1. Individuals and/or facilities may request the Town in writing, to permit additional land uses in The Overlay Area.
2. All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the Town and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the Town and/or designee(s) for recommendation and final decision by the Town Board.
3. The individual/facility shall reimburse the Town 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 Town.

F. ENFORCEMENT

1. 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 Town.
2. The individual/facility shall be responsible for all costs of cleanup, including all of the following:
 - a. Town consultant fees at the invoice amount plus administrative costs for oversight, review and documentation.
 - b. The cost of Town employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Town representing the Town's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
 - c. The cost of Town equipment employed.
 - d. The cost of mileage reimbursed to Town employees attributed to the cleanup.
 - e. Following any such discharge the Town may require additional test monitoring and/or bonds/securities.

G. PENALTIES.

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred and 00/100 Dollars (\$100.00) nor more than Five Hundred and 00/100 Dollars (\$500.00) plus the costs of the prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days, or in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

H. SEVERABILITY CLAUSE.

If any section, subsection, sentence, clause paragraph or phrase of this Ordinance 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 Town Board of the Town of Scott hereby declares that they would have passed this Ordinance 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.

I. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and posting as provided by law.



Part of Brown County WI

Map printed on 11/6/2024

1:4,800
 1 inch = 400 feet*
 1 inch = 0.0758 miles*
 *original page size: 8.5"x11"
 Appropriate format depends on zoom level

- Parcel ownership key**
- Parcel Boundary
 - Condominium
 - Gap or Overlap
 - "hooks" indicate parcel ownership crosses a line

- Parcel line
- Right of Way line
- Meander line
- Lines between deeds or lots
- Historic Parcel Line
- Vacated Right of Way

A complete key (legend) is available at:
tinyurl.com/BrownDogLegend



(920) 448-6480
www.browncountywi.gov

This ordinance (General Ordinance 01-26: Wellhead Protection Ordinance) is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

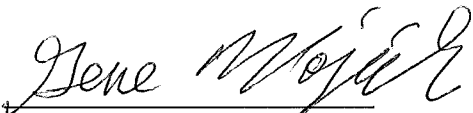
Adopted this 13th day of January, 2026.



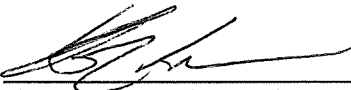
Mike VanLanen, Chairman



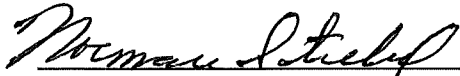
Cari Langenberg, Supervisor



Gene Wojcik, Supervisor

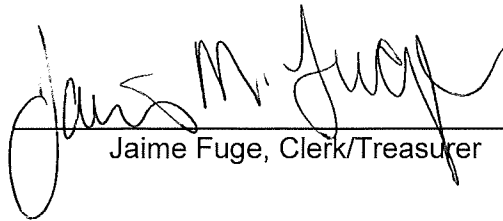


Kurt Baenen, Supervisor



Norman Strebel, Supervisor

ATTEST:



Jaime Fuge, Clerk/Treasurer