

VILLAGE OF DORCHESTER

ORDINANCE NO. 190

AN ORDINANCE ADOPTING THE WELLHEAD PROTECTION PLAN.

The Village Board of the Village of Dorchester, Clark and Marathon Counties, Wisconsin, do hereby ordain as follows:

SECTION 1. WELLHEAD PROTECTION.

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 Dorchester (hereby 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 WPH 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 ss. 61.35 and 62.23 (7) (a) and (c), Wis. Stats., to adopt ordinances to protect groundwater.

(c) APPLICABILITY. The regulations specified in the WHP ORDINANCE shall apply within the Village boundary limits.

SECTION 2. DEFINITIONS.

(a) EXISTING FACILITIES-“Existing facilities” means 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 Containment Use Inventory Form which is incorporated herein as if fully set forth.

(b) GROUNDWATER DIVIDE-“Groundwater divide” means a ridge in the water table or the potentiometric surface from which ground water 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.

(c) RECHARGE AREA-“Recharge area” means the land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well as

described in the Village's wellhead protection plan. A copy of the Village's wellhead protection plan can be obtained from the Village Clerk.

(d) GROUNDWATER PROTECTION OVERLAY DISTRICT – "Groundwater protection overlay district" means that area described within the Village's wellhead protection plan. A map of the overlay district is attached to this ordinance.

(e) WELL FIELD – "Well field" means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(3) GROUNDWATER PROTECTION OVERLAY DISTRICT (hereafter DISTRICT).

(a) INTENT. The area to be protected as a District is that portion of the Dorchester well fields' recharge areas included within the zone of contribution around the wells, as determined in the wellhead protection plan, normalized to geographic boundaries, and contained within the Village 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 (3)(e), the following are the only permitted uses within the DISTRICT. 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 sewered residential development, free of flammable and combustible liquid underground storage tanks.
6. Municipally sewered business development zoned B-1, B-2, or B-3, except for the following uses:
 - a. Above ground and underground storage tanks.
 - b. Animal waste containment or disposal facilities.
 - c. Automotive service and repair garages, body shops.
 - d. Paint or coating manufacture.
 - e. Bulk fertilizer or pesticide facilities.
 - f. Asphalt products manufacture.
 - g. Junk yards, auto salvage yards or recycling facilities.
 - h. Dry cleaning.
 - i. Gas stations.
 - j. Holding ponds or lagoons or infiltration ponds.
 - k. Bulk salt storage.
 1. Nurseries, lawn and garden supply stores.
 - m. Small engine repair services.
 - n. Wastewater treatment facilities.
 - o. Wells, private, production, injection or other.
 - p. Any other use determined by the Village 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). The following separation distances shall apply for Village Wells #2 and #3:

1. Fifty feet between a well and a storm sewer main.
2. Two hundred 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. Four hundred 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. 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 Commerce (hereafter Commerce) or its designated agent under s. Comm 10.10, Wis. Adm. Code.
5. One thousand 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. Twelve hundred 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 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 which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including the prompt notification of Village officials in the event of an emergency.

5. Existing facilities cannot engage in or employ a use, activity or structure listed in prohibited uses, par. (b) above which they did not engage in or employ at the time of enactment of a District and can only expand or replace in kind or rebuild those present uses, activities, equipment or structures on the site or property of record associated with the facility at the time of enactment of a District, and in a manner that improves the environmental and safety technologies already being used. No existing use, activity or structure listed as prohibited use or conditional use permit is granted for expansion, replacement or rebuilding. This section does not apply to normal maintenance or minor repairs.

6. The owners of existing facilities shall comply with the requirements of this section to provide information, protections, monitoring or filing not less than 6 months after the effective date of this section.

(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. Such requests 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.

(4) SUPREMACY OF THE DISTRICT

(a) The regulation of an overlay district will apply in addition to all other regulations that occupy the same geographic area. The provisions of any zoning districts that underlay the overlay district will apply except when provisions of the Groundwater Protection Overlay District are more stringent.

(5) ENFORCEMENT

(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 the Village employees attributed to the cleanup.
- (c) Following any such discharge the Village may require additional test monitoring and/or bonds/securities.
- (d) Enforcement shall be provided pursuant to section 5 of the Code.

SECTION II. CONFLICT AND SEVERABILITY. Section 5 of the CODE OF ORDINANCES OF THE VILLAGE OF DORCHESTER applies to this ordinance.

SECTION III. EFFECTIVE DATE. This ordinance shall take effect upon passage as provided by law.

Dated this 8th, day of February 2006.


James Jantsch, Village President

ATTEST:


Judy Robida, Village Clerk-Treasurer

Adopted: 2-8-06
Approved: 2-8-06
Published: 2-22-06