

**Town of Farmington, La Crosse County, Wisconsin
Ordinance 1-2012**

**WELLHEAD PROTECTION ORDINANCE
WELL #1 & WELL #2
MINDORO, WISCONSIN**

An ordinance for the protection of the municipal water supply for the Mindoro Sanitary District.

The Town Board of the Town of Farmington, La Crosse County, Wisconsin do ordain as follows:

1.0 PURPOSE AND AUTHORITY

The customers of the Mindoro Sanitary District 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 Wellhead Protection Ordinance is to institute land use regulations and restrictions to protect the District's municipal water supply and wells, and to promote the public health, safety and general welfare of the residents of the Mindoro Sanitary District.

Statutory authority for the District's enactment of these regulations is established by Wisconsin Statutes 62.23(7)(a) and (c) which specifically includes groundwater protection in the statutory authorization for municipal planning and zoning.

2.0 APPLICATION OF REGULATIONS

The regulations specified in this Wellhead Protection Ordinance shall apply only to lands within approximately 1,200 feet of Mindoro Well #1 and Well #2. Only those portions of the 1,200 foot zones under the control of the District are applicable. If there is a conflict between this ordinance and the zoning ordinance, the more restrictive provision shall apply. For regulatory purposes, the circular zone is converted to nearby public land system or physical boundaries as outlined in section 9.0 of the Wellhead Protection Plan and exhibited in Figure 5 and restated herein: "commencing at the junction of State Highway 108 and section 21 and 28 (south end of Mindoro) and proceeding east along the section line to the southeast corner of the southwest quarter of the southeast quarter thence north along the quarter section line to the northeast corner of the northwest quarter of the southeast quarter of section 21, then west to the northwest corner of the northeast quarter of the southwest quarter of section 21, then south to the southwest corner of the southeast quarter of the southwest quarter of section 21, then east to the point of origin (**Figure 5**)".

No new use or change in use of any structure, land, or water shall be located, extended, converted, or structurally altered, and no development shall commence without full compliance with the terms of this ordinance and other applicable regulations.

3.0 DEFINITIONS

3.1 Aquifer

A saturated, permeable geologic formation that contains and will yield significant quantities of water.

3.2 Cone of Depression

“Cone of depression” means the area around a well, in which the water level has been lowered at least one tenth of a foot by pumping of the well. Pumping tests have identified the Cone of Depression to be a radius of approximately 300 feet.

3.3 Arbitrary Fixed Radius Wellhead Delineation

The area up gradient to the Cone of Depression for each of Wells #1 & #2 established by the State of Wisconsin as a minimum protection zone around the wells. This distance is established at 1,200 feet which for Wells #1 & #2 represents a 27 year time of travel (TOT).

3.4 Recharge Area

The area in which water reaches the zone of influence by surface infiltration and includes all areas or features that supply ground water recharge to the well.

3.5 Well Field

A parcel of land used primarily for the purpose of locating wells to supply a municipal water system.

3.6 Time of Travel (TOT)

The lateral distance groundwater will travel during a particular time interval toward a pumping well.

4.0 WELLHEAD PROTECTION AREA

4.1 Intent

The portion of the Mindoro Sanitary District recharge area to be protected is a 1,200 foot radius around each of the municipal wells (Well #1 & Well #2) as delineated in Figures 3 & 5 and described in section 9.0 of the Wellhead Protection Plan. These lands are subject to land use and development restrictions because of close proximity to the well and the corresponding high threat of contamination. Uses not listed as permitted or conditional uses are to be considered prohibited uses.

4.2 Permitted Uses

The following uses are permitted uses within the protected zone:

- (1) Parks and playgrounds; provided there are no on-site waste disposal or fuel storage tank facilities.
- (2) Wildlife areas.
- (3) Non-motorized trails, such as biking, skiing, nature and fitness trails.
- (4) Sewered residential developments subject to conditions in Section V, C(3).
- (5) Unsewered (single family) residential development. On-site sewage disposal systems shall be located at least 400 ft. from the well. Sewage holding tanks shall be located at least 200 ft. from a well.

4.3 Mandated Separation Distances

- (1) Separation Distances. The following separation distances are mandated by State Administrative Code as specified in s.NR 811.16(4)(d), Wis. Adm. Code and shall be maintained.
- (2) Fifty feet between a supply well and a storm sewer main.

- (3) Two hundred feet between a supply 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.
- (4) 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.
- (5) 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.
- (6) One thousand feet between a well and land application of municipal, commercial or industrial waste including the boundaries of a landspeading 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.
- (7) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning site, 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.

4.4 Conditional Uses

The following uses are conditional uses within the Wellhead Protection Area. Uses that are not listed here or in 4.2 above are to be considered prohibited uses.

- (1) Commercial uses served by municipal sanitary sewer except those listed as prohibited in 4.4.
- (2) Sanitary sewers constructed within 200 ft. of a well shall be constructed of watermain class pipe and be pressure tested per current American Water Works Association (AWWA) standards.

4.5 Prohibited Uses

The following uses are prohibited uses within the WHPA. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) will cause groundwater contamination. Uses not listed are not considered permitted uses.

- (1) Underground storage tanks of any size within 600 feet of a municipal well.
- (2) Basement heating fuel storage tanks within 600 feet of a municipal well.
- (3) Septage and/or sludge spreading.
- (4) Animal waste facilities.
- (5) Animal confinement facilities serving greater than 25 animal units. An animal unit is one steer, one dairy cow, one horse, two swine, four sheep, ten chickens or ten turkeys.
- (6) Gas stations within 600 feet of a municipal well.
- (7) Vehicle repair establishments, including auto body repair within 250 feet.
- (8) Printing and duplicating businesses within 250 feet.

- (9) Any manufacturing or industrial businesses within 250 feet.
- (10) Bus or truck terminals within 250 feet.
- (11) Unsewered (single family) residential uses within 250 feet.
- (12) Landfills or waste disposal facilities.
- (13) Wastewater treatment facilities.
- (14) Wastewater land application sites.
- (15) Junk yards or auto salvage yards
- (16) Bulk fertilizer and/or pesticide facilities.
- (17) Asphalt products manufacturing.
- (18) Dry cleaning businesses within 600 feet.
- (19) Salt storage.
- (20) Electroplating facilities.
- (21) Exterminating businesses within 300 feet.
- (22) Paint and coating manufacturing.
- (23) Hazardous and/or toxic materials storage.
- (24) Hazardous and/or toxic waste facilities.
- (25) Radioactive waste facilities
- (26) Recycling facilities.
- (27) Cemeteries within 600 feet.
- (28) Quarries, gravel pits and stormwater drainage ponds.

4.6 Design Standards

The following standards and requirements shall apply to all uses permitted within the WHPA:

- (1) Minimum lot size for unsewered residential uses shall be two acres, except for: (a) existing lots of record on the effective date of this Ordinance and (b) developments which will be served by municipal sewer within five years of the approval of the development. In order to efficiently service these developments with municipal sewer, lots smaller than two acres can be approved, provided that sufficient land area will be maintained in an undeveloped state such that no more than one residence is allowed for each two acres of the overall development.
- (2) All commercial and industrial uses are allowed a maximum of 50% of the lot area to be maintained in manicured lawn or grass. However, the area of the lot in manicured lawn or grass shall not exceed the area of impervious surfaces on the lot.
- (3) All underground storage tanks shall have an approved means of tank monitoring and overflow protection.
- (4) Natural vegetative covers, not requiring the use of pesticides or fertilizers after initial establishment, are encouraged as an alternative to manicured lawn or grass.
- (5) All above ground petroleum storage tanks shall provide leak proof secondary containment not less than 125% of the tank volume, except basement heating fuel storage tanks.
- (6) Pesticide and fertilizer storage is permitted at the location of retail sales of these products, provided that the products are delivered in retail quantity containers and no repackaging and/or mixing is done on site.
- (7) Pesticide and fertilizer storage is permitted at the location of agricultural use of these products.

4.7 Conditional Uses

The following uses may be permitted on a case-by-case basis within the WHPA, providing adequate groundwater protection and monitoring measures, as determined by the applicable Zoning Committee, are instituted. Applications for conditional use permits shall be reviewed and approved by the Mindoro Sanitary District prior to consideration by the Zoning Committee.

- (1) Nurseries for ornamental plants, green houses, and associated retail sales outlets.
- (2) Pesticide and fertilizer storage and use associated with use in (1) above.
- (3) Vehicle repair shops, except auto body repair shops.
- (4) Recycling facilities.
- (5) Small-scale commercial or industrial-type activities conducted within a single-family home that do not involve uncovered, outside storage of raw materials or finished product. Where any of the uses listed above exist within the WHPA on the effective date of this Ordinance, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the Mindoro Sanitary District and appropriate permit issued prior to any work being initiated. Expansion of a prohibited use will not be allowed.

5.0 ENFORCEMENT AND PENALTIES

(1) In the event an individual and/or facility causes the release of any contaminants which endanger the Groundwater within the WHPA, the individual/facility causing said release shall immediately cease and desist, and provide clean-up satisfactory to the Mindoro Sanitary District.

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

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

b. The cost of District equipment employed.

c. The cost of mileage reimbursed to the District employees attributed to the cleanup.

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

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

(5) 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.

6.0 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 District Board of the Mindoro Sanitary District 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 sections, subsections sentences, clauses paragraphs, or phrases may be declared invalid or unconstitutional.

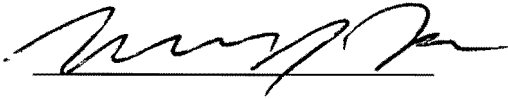
7.0 CONFLICTING ORDINANCES

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

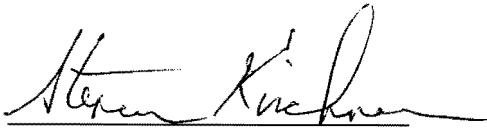
8.0 EFFECTIVE START OF ORDINANCE

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

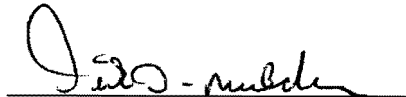
Adopted this 7th day of February, 2012



Michael J. Hesse, Chairman

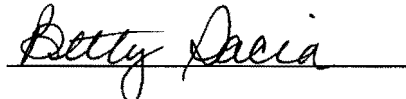


Steven Kirchner, East Supervisor



Dirk Mulder, West Supervisor

Attest



Betty Sacia, Town Clerk

Attachments, Figures 3 and 5.

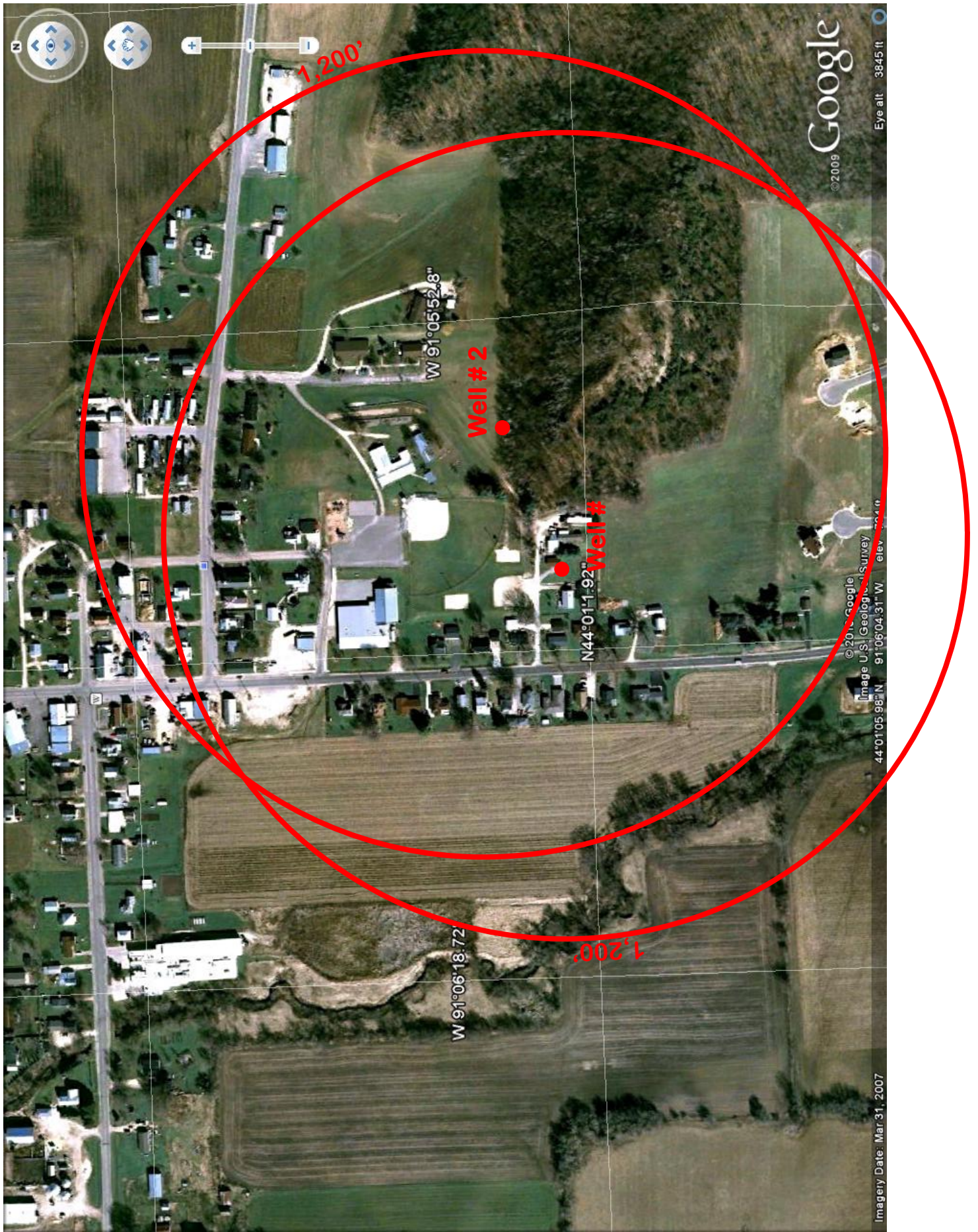


FIGURE 3



WELLHEAD PROTECTION PLAN

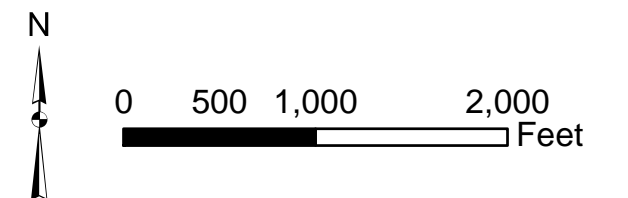
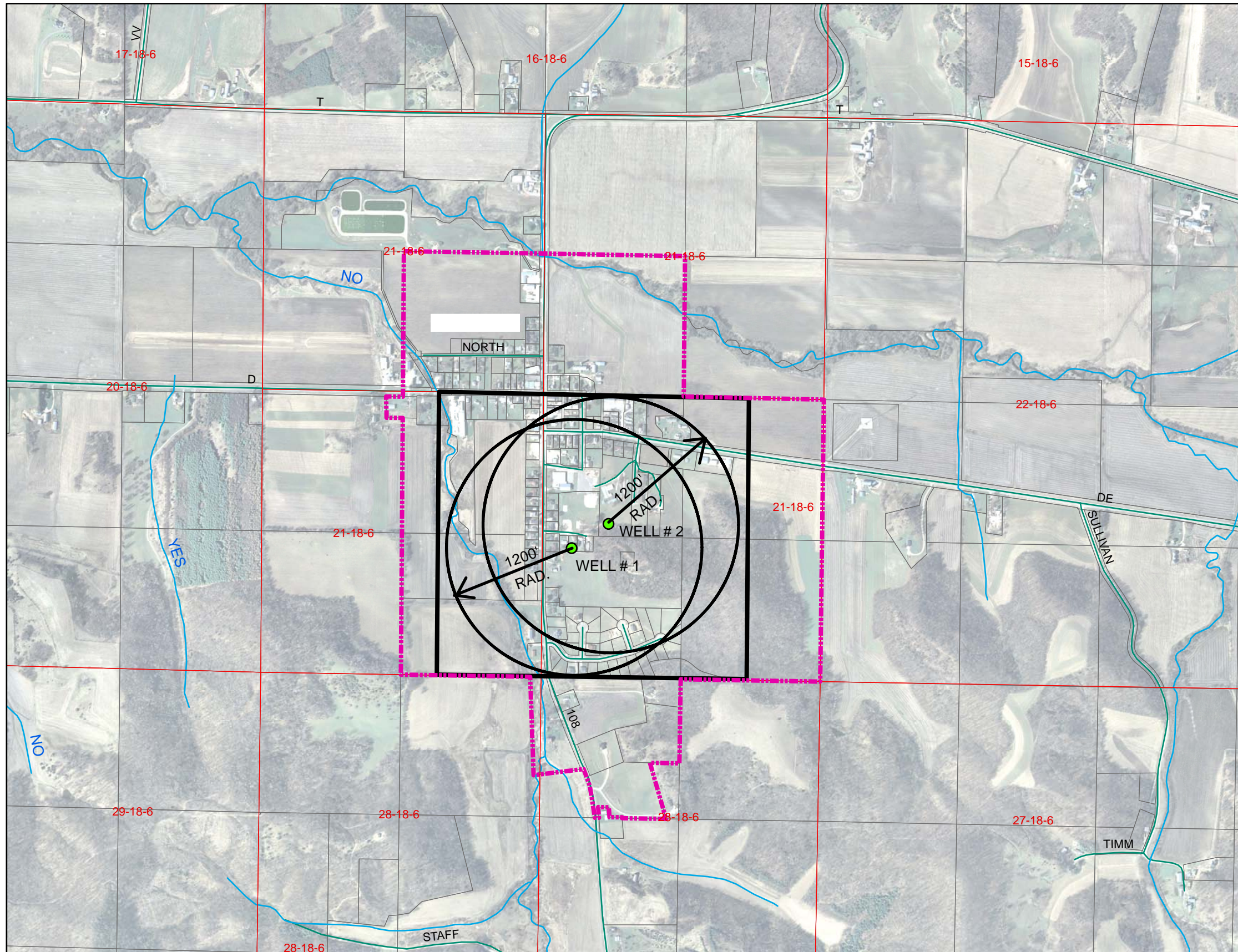
MINDORO

Sanitary District No. 1

Town of Farmington
La Crosse County, Wisconsin

Legend

-  Sanitary District Boundary
-  Wellhead Protection Area



Davy Engineering Co.
115 6th Street S., PO Box 2076
La Crosse, WI 54602-2076
(608) 782-3130, Fax: (608) 784-6611

2-22-2010

FIGURE 5