

ORDINANCE 1030

ORDINANCE AMENDING WELLHEAD PROTECTION OVERLAY ZONING

The City Council of the City of Lake Mills, Jefferson County, Wisconsin does hereby ordain as follows:

Section 1. Section 10-3-17 of the Municipal Code of the City of Lake Mills is hereby repealed and recreated to read as follows:

10-3-17: WELL HEAD PROTECTION (WHP)

A. Purpose and Authority

1. The residents of the City of Lake Mills (hereinafter "the City") 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 section is to protect the City's municipal water supply and areas from which City wells draw water, and to promote the public health, safety and general welfare of the residents of the City.

2. These regulations are established pursuant to the authority granted by the Wisconsin legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety and welfare. Areas appropriate for protection in the WHP are established in the Well Head Protection Plan for City of Lake Mills, Wisconsin, dated October 1998, and the Well Head Protection Plan for the City of Lake Mills, dated November 2007, hereinafter the "Plans," or if referred to separately, "1998 Plan" and "2007 Plan". Both Plans were prepared by Strand Associates, Inc. The Plans are hereby incorporated herein by this reference, and a copy of the 1998 Plan and the 2007 Plan are on file in the office of the City Clerk.

B. Applicability.

1. Zone 1. The regulations specified in this section shall apply to lands within those portions of the five-year Time of Travel Zones (hereinafter sometimes "TOT") of Well No. 6 shown on the 1998 Plan, Protection Area Map (see Appendix E, Figure 2 of WHP) (hereinafter the "Map"), and to lands within the minimum separation distances from potential sources of contamination described in Chapter NR 811.16(4)(d) of the Department of Natural Resources Code, which areas also lie within the City of Lake Mills corporate limits.

2. Zone 2. The regulations specified in this section shall apply to lands within those portions of the five-year Time of Travel Zones (hereinafter sometimes "TOT") of Well No. 4 shown on the 2007 Plan, Protection Area Map (see Figure 2.04-1 of WHP) (hereinafter the "Map"), and to lands within the minimum separation distances from potential sources of contamination described in Chapter NR 811.16(4)(d) of the Department of Natural Resources Code, which areas also lie within the City of Lake Mills corporate limits.

3. Zone 3. The regulations specified in this section shall apply to lands within those portions of the five-year Time of Travel Zones (hereinafter sometimes "TOT") of Well No. 5 shown on the 2007 Plan, Protection Area Map (see Figure 2.04-1 of WHP) (hereinafter the

"Map"), and to lands within the minimum separation distances from potential sources of contamination described in Chapter NR 811.16(4)(d) of the Department of Natural Resources Code, which areas also lie within the City of Lake Mills corporate limits.

4. The attached map shows the Well Head Protection Area of lands where these regulations apply at each of the wells – No. 4, No. 5, and No. 6.

C. Definitions.

AQUIFER	A saturated, permeable geologic formation that contains and will yield significant quantities of water.
CONE OF DEPRESSION	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.
EXISTING FACILITIES WHICH MAY CAUSE OR THREATEN TO CAUSE ENVIRONMENTAL POLLUTION	Existing facilities which may cause or threaten to cause environmental pollution within the corporate limits of the City's Well Nos. 4, 5, and 6 recharge areas which include but are not limited to the Wisconsin Department of Natural Resources' draft list of "Inventory of Sites or Facilities Which May Cause or Threaten to Cause Environmental Pollution," and Department of Industry, Labor and Human Relations list of "Leaking Underground Storage Tanks" (hereinafter "LUSTs") and the Registry of Waste Disposal Sites in Wisconsin, all of which are incorporated herein, together with future amendments thereto, as if fully set forth.
FIVE-YEAR TIME OF TRAVEL (TOT)	The Five-Year TOT is a portion of the recharge area, the outer boundary of which it is determined or estimated that groundwater and potential contaminants will take five years to reach a pumping well. The Five-Year TOT for Municipal Well Nos. 4, 5, and 6 are established based on the volumetric flow equation. The TOT area is shown on the Map. The TOT area shown on the Map is hereinafter referred to as "the TOT".
GROUNDWATER DIVIDE	Ridge in the water table, or potentiometric surface, from which ground water moves away at right angles in both directions. Line of highest hydraulic head in the water table or potentiometric surface.
GROUNDWATER PROTECTION OVERLAY DISTRICT	Shall be defined as those areas within each TOT, or Zones of Influence, which are shown on the map attached in Appendix E of the Well Head Protection Plan and incorporated herein as if fully set forth.
RECHARGE AREA	Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.
WELL HEAD PROTECTION AREAS	Those Zones of influence or TOT at each municipal well that lie within the City of Lake Mills corporate limits.

D. Well Head Protection Areas (hereinafter "WPA").

1. Intent. The area to be protected is the Lake Mills WPA (as determined by the Plans) contained within the City boundary limits.
 - a. These areas are designated on the Map that is attached, as well as the Map within the Plans. These lands are subject to land use and development restrictions because of their close proximity to the TOT and the corresponding high threat of contamination.
 - b. Minimum separation distances from potential sources of contamination as defined in the DNR Code chapter NR 811.16(4)(d), latest version, shall also be maintained when these separation distances exceed the dimensions of the Well Head Protection Area illustrated on the Map.
2. Permitted Uses. The following are the only permitted uses within the WPA.
 - a. Any existing use, even though listed on Prohibited Uses, below, located within such areas to the extent that use currently exists, subject to the requirements for existing prohibited uses, (5) below.
 - b. Those uses permitted under Lake Mills Zoning Code consistent with the Zoning Map, as amended by action of the Lake Mills City Council and which are not prohibited under Section (3) below.
3. Prohibited Uses. The following uses, if created after the adoption of the WHP Ordinance, as adopted in 1998 or as amended in 2008, are prohibited uses within the Well Head Protection areas designated on the Map. 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.
 - a. Underground storage tanks of any size.
 - b. Septage and/or sludge spreading.
 - c. Animal waste land spreading.
 - d. Animal waste facilities.
 - e. Animal confinement facilities.
 - f. Gas stations.
 - g. Vehicle repair establishments, including auto body repair.
 - h. Printing and duplicating businesses.
 - i. Bus or truck terminals.
 - j. Repair shops.
 - k. Landfills or waste disposal facilities.
 - l. Wastewater treatment facilities.
 - m. Spray wastewater facilities.
 - n. Junkyards or auto salvage yards.
 - o. Bulk fertilizer and/or pesticide facilities.
 - p. Asphalt products manufacturing.
 - q. Dry-cleaning businesses.
 - r. Salt storage.
 - s. Electroplating facilities.

- t. Exterminating businesses.
 - u. Paint and coating manufacturing.
 - v. Hazardous and/or toxic materials storage.
 - w. Hazardous and/or toxic waste facilities.
 - x. Radioactive waste facilities.
 - y. Recycling facilities.
 - z. Cemeteries.
4. Where any of the uses listed in (3) above exist within the WPA on the effective date of this ordinance when adopted in 1998 or when amended in 2008, owners of these facilities will be allowed to upgrade such uses to facilitate or enhance groundwater protection. The Plan Commission and Public Works Board must approve plans for the proposed upgrade and the appropriate permit issued by the City Building Inspector/Zoning Administrator's office prior to any work being initiated.
5. Requirements for Existing Prohibited Uses, (d)(3) Above.
- a. Such uses shall provide copies of all federal, state and local facility operation approvals or certificate to the City Zoning Administrator and ongoing environmental monitoring results to the City Director of Public Works.
 - b. Such uses shall provide additional environmental or safety structures/ monitoring as deemed necessary by the City, which may include but are not limited to storm water runoff management and monitoring.
 - c. Such uses shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
 - d. Such uses shall have the responsibility of devising and filing with the City a contingency plan satisfactory to the City Zoning Administrator for the immediate notification of City officials in case of an emergency.

E. Enforcement.

- 1. In the event the individual and/or facility engaging in permitted use(s) under this ordinance causes the release of any contaminants which endangers the WPA, the activity causing said release shall immediately cease and a cleanup satisfactory to the City shall occur.
- 2. The individual/facility causing the release of contaminants shall be responsible for all costs of cleanup. The costs of cleanup shall include, but not be limited to, City consultant fees, at the invoice amount plus administrative costs for oversight, review and documentation.
- 3. Following any such discharge the City may require additional test monitoring and/or bonds/sureties as it deems necessary and reasonable.
- 4. Penalties for noncompliance shall be provided pursuant to applicable sections of the code and Wisconsin Statutes.

Section 2. This ordinance was sponsored by Council Representative Joe Van Tassel.

Section 3. All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

Section 4. This ordinance shall be in full force and effect after its passage and publication as provided by law.

Adopted this _____ day of _____, 2008.

Ed Grunden, Council President

Attest:

James E. Heilman, City Clerk-Treasurer