

ORDINANCE # 2019-001 of the Town of Lawrence, Wisconsin
To Amend Chapter 286 by Creating Article VI –
WELLHEAD PROTECTION

The Town Board of Supervisors of the Town of Lawrence does ordain as follows:

Section 1: Town of Lawrence Ordinance Chapter 286 is hereby amended by Creating Article VI, Section **§286-49 – 286-55** - Wellhead Protection

Statutory Authority. This ordinance is adopted pursuant to authority granted by Chapter 60 Wisconsin Statutes.

§286-49 Title
§286-50 Purpose
§286-51 Applicability
§286-52 Definitions
§286-53 Regulation of Uses
§286-54 Areas Described
§286-55 Enforcement and Penalties

286-49 Title.

This article shall be known, cited and referred to as the Wellhead Protection Ordinance (WHPO)

286-50 Purpose.

1. The users of the Town of Lawrence Utility District's water supply system depend in part on groundwater for a safe drinking water supply. Certain land use practices and activities can threaten or degrade groundwater quality. The purpose of the WHPO is to institute land use regulations and restrictions to protect the Town of Lawrence Utility District's municipal water supply, and to promote the public health, safety and general welfare of the residents of the Town of Lawrence Utility District and the Town of Lawrence.
2. These regulations are established pursuant to the authority granted the Town by Chapter 60 Wisconsin Statutes, including but not limited to § 60.61 Wis. Stats., which provide for groundwater protection in municipal planning and zoning.

286-51 Applicability.

1. The regulations specified in the WHPO shall apply within the corporate limits of the Town of Lawrence.
2. No new use or change in use of any structure, or land shall be located, extended, converted or structurally altered and no development shall commence without full compliance with the terms of this article and other applicable regulations.

3.

286-52 Definitions.

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

A) Aquifer: A water-bearing layer of soil or rock that will yield water in a usable quantity to a well or spring.

B) Cone of Depression: The depression of the water table, around a pumping well caused by the withdrawal of water.

C) Downgradient: Any location, within the local groundwater flow system, that water will flow away from a well or sampling point due to pressure variation below the water table towards its ultimate discharge point.

D) Groundwater: The water contained in the interconnected pores located below the water table.

E) Groundwater Flow System (Local): Has a recharge area at a topographic high area and its discharge area at an adjacent topographic low.

F) Hydraulic Conductivity: The capacity of the rock or the permeable medium to transmit water.

G) Hydraulic Gradient: The slope of the water table over a given distance.

H) Hydrologic Cycle: The complete cycle through which water passes from the atmosphere to the earth and back to the atmosphere.

I) Recharge Area: The area of land that is directly involved in the addition of water to the saturated zone and encompasses all areas or features that supply groundwater to a well.

J) Saturated Zone: That part of a water-bearing layer of rock or soil in which all spaces, large or small, are filled with water.

K) Specific Capacity: Specific capacity is the yield of the well in gal/min. divided by the drawdown in feet = GPM/Ft.

L) Upgradient: Any location, within the local groundwater flow system, in which water infiltrates or recharges into the land surface and flows toward the well or sampling point.

M) Water Table: The level below which the soil or rock is saturated with water, sometimes referred to as the upper surface of the saturated zone.

N) Wellhead Protection Area (WHPA): The surface or subsurface area surrounding a well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such well or wellfield. A legally designated area having land-use controls designed to prevent or minimize well contamination.

O) Zone of Contribution (ZOC): The physical area contributing water to the well.

P) Zone of Influence (ZOI): The area of drawdown around the well.

286-53 Regulation of Uses.

a. Within the WHPA the following uses are prohibited:

1. Disposal of garbage, refuse, trash, demolition material and construction material.
2. Asphalt product manufacturing plants.
3. Motor vehicle laundries, service stations, dealerships, sales, painting or bodywork facilities.
4. Building materials and product sales.
5. Chemical storage, sale, processing or manufacturing plants.
6. Dry cleaning establishments.
7. Electroplating plants.
8. Exterminating shops.
9. Fertilizer manufacturing or storage.
10. Highway salt storage.
11. Industrial liquid or solid waste storage or processing.
12. Scrap metal or inoperable motor vehicle junk yards.
13. Mining and quarrying operations, including sand and gravel extraction.
14. Motor and machinery service and assembly shops.
15. Paint products storage and processing.
16. Pulp and paper manufacturing, including the storage, debarking or processing of wood, pulp, processing materials or agents.
17. Residential dwelling units on lots less than one acre in area; provided, in any residence district, on a lot of record on the effective date of this ordinance, a single family dwelling may be established regardless of the size of the lot, provided other applicable zoning and use requirements are complied with.
18. Septage disposal sites.
19. Sludge disposal sites.
20. Storage, manufacturing, use or disposal of toxic or hazardous materials as defined and regulated by the Hazardous Substances Act, Sec. 100.37, Wis. Stats., and regulations thereunder as may be amended from time to time.
21. Underground petroleum products storage tanks for industrial, commercial, residential, or other uses.

b. Within the WHPA the following uses may be permitted, provided the minimum separation distances below are provided between the installations and Well No. 1.

| Potential Contamination Source | Minimum Separation Distance (feet) |
|---|------------------------------------|
| Storm Sewer Main | 50 |
| Sanitary Sewer Main | 200 |
| Lift Station | 200 |
| Single Family Residential Fuel Oil Tank | 200 |
| Septic Tank (<12,000 gallons per day) | 400 |
| Cemetery | 400 |
| Storm Water Drainage Pond | 400 |
| Gasoline or Fuel Oil Storage Tank Installation (DILHR Approved) | 600 |
| Land Application of Municipal, Commercial or Industrial Waste | 1,000 |
| Industrial, Commercial or Municipal Wastewater Lagoons or Storage Structures | 1,000 |
| Manure Stacks or Storage Structures | 1,000 |
| Septic Tanks (> 12,000 gallons per day) | 1,000 |
| Solid Waste Storage, Transportation, Transfer, Incineration, Air Curtain Destructor, Processing, Wood Burning, One Time Disposal or Small Demolition Facility | 1,200 |
| Sanitary Landfill | 1,200 |
| Coal Storage Area | 1,200 |
| Salt or Deicing Material Storage Area | 1,200 |
| Gasoline or Fuel Oil Storage Tank without DILHR Approval | 1,200 |
| Bulk Fuel Storage Facilities | 1,200 |
| Pesticide or Fertilizer Handling or Storage Facilities | |

- c. Within the area, the following uses may be allowed, subject to other zoning regulations and any conditions established under subs. 3(d) and (e) of this ordinance:
 - Any business, commercial, residential or industrial use not otherwise prohibited.
- d. Any person proposing to commence use of property located within either area which use was not in existence at the time of enactment of this ordinance, and any person proposing to change the size or character of the existing use, shall make application to the Town for a permit to initiate the proposed use or change of use. The application shall be in a form acceptable to the Town and shall include the following:
 - 1. Identification of the user, including lessee, if any.
 - 2. Address of user.
 - 3. Description of property to be used.
 - 4. Description of use.
 - 5. Drawing of site, indicating location of structures, access roads or driveways, and contemplated site work.
 - 6. Measures proposed to minimize groundwater contamination risk, if any.
- e. The Board may set such conditions to the issuance of the permit as may be reasonable and necessary to the protection of the groundwater supply for the Lawrence Sanitary District No. 1.

286-54 Areas Described: Wellhead

Protection Area Described as follows:

The following portions of Section 30, Township 23 North, Range 20 East, Town of Lawrence, Brown County, Wisconsin:

- The southwest quarter and the southeast quarter of the northeast quarter.
- All of the southeast quarter.
- The southeast quarter and the northeast quarter of the southwest quarter.
- The southeast quarter of the northwest quarter.

286-55 Enforcement and Penalties. Any person convicted of a violation of this ordinance shall be subject to a forfeiture of up to \$1,000 per violation. Each day of a continuing violation shall be a separate violation. This forfeiture shall be in addition to any federal or state remedy, enforcement or regulatory order.

Section 2: Severability

If any provision of this Ordinance is found invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provision or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 3: This amendment to existing Ordinances shall be effective upon passage and publication as provided by Law.

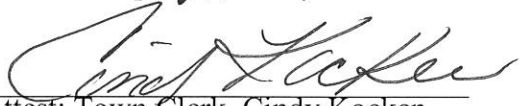
Dated at Town of Lawrence, Wisconsin on this 11th day of February, 2019

Introduced by: Supervisor Farvour
Seconded by: Supervisor Vandenaek

TOWN OF LAWRENCE


Town Chairperson, Lanny J Tibaldo

Vote:
Ayes: 3
Nays: 0


Attest: Town Clerk, Cindy Kocken