

CHAPTER 12 ENVIRONMENT

ARTICLE I. IN GENERAL

Secs. 12-1—12-18. Reserved.

ARTICLE II. AIR POLLUTION

DIVISION 1. GENERALLY

Secs. 12-19—12-39. Reserved.

DIVISION 2. REGULATION OF OPEN BURNING

Sec. 12-40. Open burning prohibited.

The Village regulates outdoor burning. No person shall build any outdoor fire within the village boundaries except as set forth in section 12-41. ~~Any permit is valid for one week or seven days.~~ This prohibition on burning includes burning of construction waste and debris at construction sites or demolition of any structures. Burning shall also be subject to the administrative rules of the state department of natural resources.

(Ord. No. 43, § 1, 5-8-1997; Ord. No. 81(Ser. 2002), § 1, 3-26-2002)

Sec. 12-41. Exceptions.

- (a) ~~Outdoor cooking over a fire contained in a device, ground pit bordered with field or decorative stone or a structure designed for such use is permissible. Burning contained in a 55-gallon drum or similar device is permissible. Fires fueled by natural gas, propane, or charcoal for social gatherings.~~
- (b) ~~Burning of bags, twine, and other incidentals relating to agricultural operations is permissible when it is done in a controlled area under the supervision of the property owner or an agent of the property owner. Fires contained within a ground pit or device having a maximum diameter of 40" lined with dirt or a non-combustible material (steel, stone, or masonry).~~
- (c) ~~Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of a fire chief or his designee, may be permitted. Burning bags, twine, and other incidentals relating to agricultural operations when done in a controlled area under the supervision of the property owner or an agent of the property owner.~~
- (d) Other occasions of desirable outdoor burning not specified by this section, but not as an alternative to refuse or recycling removal or disposal of which other methods are available, may be granted single or multiple occasion permit approval ~~as in subsection (c) of this section.~~

- (e) Whenever approval and ~~a special~~ permit are granted by a fire chief or ~~his~~ designee, ~~under subsection (c) or (d) of this section~~, the permit shall be ~~valid between 7:00 a.m. and 7:00 p.m. and be~~ conditioned on observance of safety restrictions and insurance requirements set forth therein.

~~(f) — Copies of all burning permits issued shall immediately be forwarded to the village fire department chief and the county sheriff's dispatch.~~

(Ord. No. 43, § 2, 5-8-1997; Ord. No. 81(Ser. 2002), § 2, 3-26-2002)

Sec. 12-42. Requirements.

- (a) Prior to initiating the fire permit within this article, the property owner shall contact the village hall for official approval.
- (b) Upon authorization verification and prior to igniting the fire, the property owner must inform the county sheriff's department, ~~or such other official as may be directed by the village board~~, of the date, time and location of fire.
- (c) Permit burning shall be valid between 7:00 a.m. and 7:00 p.m.
- (d) No fire shall be permitted within 20 feet of any structure or property line.
- (e) There must be not less than two means of extinguishing any fire permitted herein.
- ~~(f) Burning must be attended at all times by a person at least eighteen (18) years of age.~~
- ~~(g) Applicants are encouraged to notify neighbors about their outdoor burning plans to minimize potential complaints. Nuisance complaints from neighbors could result in loss of permit.~~

(Ord. No. 43, § 3, 5-8-1997; Ord. No. 81(Ser. 2002), § 3, 3-26-2002)

Sec. 12-43. ~~Chief and village designee may prohibit~~Prohibitions.

The fire chief ~~and/or village~~or designee ~~is may permitted to~~ prohibit any ~~or all bonfires and outdoor~~ fires when atmospheric conditions or local circumstances make such fires hazardous.

(Ord. No. 43, § 4, 5-8-1997; Ord. No. 81(Ser. 2002), § 4, 3-26-2002)

Sec. 12-44. Burning on streets.

No material may be burned upon any street, road, curb, gutter, open ditch or sidewalk.

(Ord. No. 43, § 5, 5-8-1997; Ord. No. 81(Ser. 2002), § 5, 3-26-2002)

Sec. 12-45. Liability.

~~Persons~~Any person utilizing and maintaining outdoor fires may be responsible for any liability resulting from damage caused by ~~his~~the fire.

(Ord. No. 43, § 6, 5-8-1997; Ord. No. 81(Ser. 2002), § 6, 3-26-2002)

Sec. 12-46. Penalty.

Any person in violation of this article shall be punished according to the general penalties described in section 1-7.

(Ord. No. 43, § 7, 5-8-1997; Ord. No. 81(Ser. 2002), § 7, 3-26-2002)

Secs. 12-47—12-65. Reserved.

*DIVISION 3. SMOKING REGULATIONS*²

Commented [LG1]: Suggest revising the entire Division 3 to that similar to Little Chute. See attached

Sec. 12-66. Purpose.

The village board recognizes the fact that there are people who prefer a smoke-free environment and that there are others who prefer to smoke. The board also recognizes that business owners should have the right to provide an environment consistent with the wishes of their customers. This division is enacted in order to provide for smoke-free dining areas, and to permit smoking in the bar areas of restaurants and taverns at the discretion of the business owners. It also provides for a means of enforcing no-smoking policies in other businesses and retail outlets.

(Ord. No. 06-118, § 1, 8-29-2006)

Sec. 12-67. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bar area means the area where drinks are served to the patrons by bartenders. The term "bar area" includes the area where food may be served to patrons, provided that the area is not separated from the bar by partitions or floor to ceiling walls.

Dining area means the area where patrons are seated at tables and food is served. The term "dining area" does not include the bar area where drinks are served.

Dual purpose room or area means a room or area that may be used for the purpose of dining and be smoke free. Also, the same room or area may be used for functions other than dining and not be smoke free.

Enclosed area means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows, exclusive of doorways or passageways, which extend from floor to ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, other landscaping or similar structures.

Meal means any ready to eat food served or sold to the general public in individual or prepackaged single portions or servings for immediate on-premises consumption or transported off-premises in individual prepackaged carryout servings, or specifically preordered individual or multiple serving portions which are transported to an off-premises location for immediate consumption with or without further preparation. The term "meal" does not include soft drinks, ice cream, milk, milk drinks, ices and confections or free lunches served by taverns consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter. Nor does

¹State law reference(s)—Smoking prohibited, Wis. Stats. § 101.123.

the term "meal" include food items sold by the weight, count or piece in individual packages requiring further preparation for consumption at another location.

Restaurant.

- (a) The term "restaurant" means any building, room or enclosed place where meals are prepared or served or sold to transients or the general public.
- (b) The term "restaurant" shall include any room or enclosed place where meals and beverages are prepared or served or sold to transients or the general public but shall not include other areas of a hotel/motel or convention establishment, including lodging rooms, private banquet rooms or halls, or taverns, as defined in this section.
- (c) The term "restaurant" shall not include:
 - (1) The term "tavern," as defined in this section.
 - (2) Taverns that serve free snacks such as popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter.
 - (3) Churches, religious, fraternal, youth or patriotic organizations, service clubs and civic organizations which occasionally prepare, serve or sell meals to transients or the general public.
 - (4) Any bed and breakfast establishment that serves breakfast only to its lodgers.
 - (5) The serving of food or beverage through a licensed vending machine.
 - (6) A concession stand at a locally sponsored sporting event, such as a little league game.
 - (7) A temporary restaurant operated at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion.
 - (8) Entire rooms or halls while being used for private functions.

Retail establishment means store or shop in which retail sales is the principal business conducted, except taverns and restaurants. The term does not include offices within retail establishments and other areas not accessible to the general public.

Smoking means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.

Tavern means any establishment licensed pursuant to Wis. Stats. ch. 125 with a full service bar in which fermented malt beverages and/or intoxicating liquors are sold for consumption upon said premises and whose sale of alcohol beverages accounts for 50 percent or more of the establishment's gross receipts for meals and beverages, including alcohol beverages for the establishment's most recent license year.

(Ord. No. 06-118, § 2, 8-29-2006)

Sec. 12-68. Smoking prohibited in the enclosed dining area of restaurants.

Smoking shall be prohibited in the enclosed main dining area of all restaurants. Smoking may be permitted in a separate dining area not exceeding 30 percent of the total seating capacity of total dining area of the restaurant; provided that the area is a separate room with floor to ceiling walls and conspicuously labeled as "smoking permitted." This section does not prohibit smoking in bar areas.

(Ord. No. 06-118, § 3, 8-29-2006)

Sec. 12-69. Dual purpose room or area.

This room or area shall abide by the same rules and guidelines as a regular dining area while it is used for a dining purpose. Also, the same room or area shall be treated as bar area for other functions where food is not served.

(Ord. No. 06-118, § 4, 8-29-2006)

Sec. 12-70. Exception—Taverns.

Taverns, as defined in this division, shall be exempt from the provisions of this section, provided that every premises that claims to be a tavern shall:

- (a) Provide to the village clerk a sworn, written statement attesting that the gross sales of alcoholic beverages at the establishment during the 12-month period prior to the effective date of the ordinance from which this division is derived exceeded 50 percent of the total gross sales for meals and beverages to be consumed on the premises of the establishment during that same period. This verification shall be provided to the village clerk not later than 60 days after the enactment of the ordinance from which this division is derived. No smoking shall be permitted in any establishment failing to timely file said documentation. Filing a false statement shall be deemed a violation of this section and upon conviction violators shall be required to forfeit not less than \$500.00 and not more than \$1,000.00, plus the costs of prosecution.
- (b) Thereafter annually provide to the village clerk an additional sworn, written statement attesting that the gross sales of alcohol beverages during the preceding 12 months after the effective date of the ordinance from which this division is derived exceeded 50 percent of the total gross sales for meals and beverages to be consumed on the premises of the establishment during that same time period. This verification shall be provided annually and not later than 30 days after the end of the applicable 12-month period. No smoking shall be permitted in any establishment failing to timely file said documentation. Filing a false statement shall be deemed a violation of this section and upon conviction violators shall be required to forfeit not less than \$500.00 and not more than \$1,000.00, plus the costs of prosecution.
- (c) Every new or remodeled establishment that requires a new occupancy permit for any reason or any business changing the nature of the business such that the gross sales of alcoholic beverages during the preceding three months exceeded 50 percent of the total gross sales for meals and beverages to be consumed on the premises of the restaurant during that same time period must comply with the verification and documentation provisions of this subsection for the first three months immediately following the time the final certificate of occupancy is issued by the village, and then annually thereafter as set forth in subsection (2) of this section.
- (d) Upon receipt of the documentation required by this subsection, the village clerk shall make a determination whether the documentation satisfies the requirements of this section. If the requirements are met, the village clerk shall issue an exemption to said establishment for the following year. If the village clerk determines the documentation does not satisfy the requirements of this section, then no exemption shall be issued, and smoking shall be prohibited in said establishment. The establishment may reapply for an exemption, under this section, 12 months after the date on which the exemption was denied. The denial of an exemption by the village clerk may be appealed to the village board, if within 30 days of the date of denial.

(Ord. No. 06-118, § 5, 8-29-2006)

Created: 2025-03-21 12:22:53 [EST]

(Supp. No. 2, Update 1)

Sec. 12-71. Same—Restaurant hardship.

As a result of complying with this division, a restaurant which realizes a loss of gross receipts greater than 15 percent for the three months immediately following the effective date of the ordinance from which this division is derived when compared to the same three month period of the previous year, may apply to the village board for a one-time temporary hardship exemption. Upon granting of the hardship exemption, the restaurant shall be exempt from the requirements of this division for a period of one year. To obtain a hardship exemption, application to the village board must be made within 120 days after the ordinance from which this article is derived becomes effective by submitting the following:

- (a) Written proof subscribed and sworn to by an accountant certifying that the gross receipts have declined by 15 percent for the time period indicated in this section.
- (b) Written proof subscribed and sworn to by an accountant certifying that the restaurant has complied with this division and that the 15 percent decline in gross receipts is the direct result of complying with this division and not a result of other factors unrelated to this division.
- (c) The village board shall make the determination regarding hardship within 30 days of receipt of a hardship application, or the application will be deemed granted. This hardship provision does not apply to any restaurant that is not in existence as of the effective date of the ordinance from which this division is derived.

(Ord. No. 06-118, § 6, 8-29-2006)

Sec. 12-72. Signs required; prohibition.

- (a) The proprietor or other person having control of the restaurant or tavern shall post, in a conspicuous place at every building entrance and in prominent locations throughout the establishment, a sign not smaller than 11 by 8½ inches indicating whether the building permits smoking or whether it is totally smoke free. The signs shall be posted in such a manner that the public has reasonable notice of the establishment's smoking policy and must be present at any time that establishment is open for business.
- (b) It shall be unlawful for any person to remove, deface, or destroy any sign required by this section, or to smoke in any place where any such sign prohibits smoking.

(Ord. No. 06-118, § 7, 8-29-2006)

Sec. 12-73. Smoking prohibited in all other retail establishments.

Smoking is prohibited in all other retail establishments unless the proprietor or other person having control posts, in a conspicuous place at every building entrance and in prominent locations throughout the establishment, a sign not smaller than 11 by 8½ inches indicating whether the building permits smoking or whether it is totally smoke free. The signs shall be posted in such a manner that the public has reasonable notice of the establishment's smoking policy and must be present at any time that establishment is open for business.

(Ord. No. 06-118, § 8, 8-29-2006)

Sec. 12-74. Enforcement.

- (a) Any owner, manager, operator, or employee of any establishment regulated by this section shall inform persons violating this section of the appropriate provisions therein. Such person should ask any person who

smokes in areas where smoking is prohibited to refrain from smoking, and if the person does not refrain from smoking after being requested to do so, ask the person to leave.

- (b) The owner, operator, manager, or other person having control of a restaurant shall remove all ashtrays, cigarette vending machines, and other smoking paraphernalia from any area where this section prohibits smoking.
- (c) Notice of the provisions set forth in this section shall be given to all applicants for a restaurant license in the village.
- (d) Any citizen who desires to register a complaint under this section may do so with the village board.
- (e) The village inspector or the fire department shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this section.
- (f) The village code inspectors, fire inspector, and affiliated agencies and officials shall have the power, whenever deemed necessary, to enter upon the premises of the establishments regulated by this section to inspect and ascertain compliance with the requirements of this section.
- (g) Notwithstanding any other provision of this division, a private citizen may bring legal action to enforce this division.

(Ord. No. 06-118, § 9, 8-29-2006)

Sec. 12-75. Retaliation prohibited.

No person or employer shall retaliate in any manner against any customer because such customer exercises any right to a smoke-free environment, as required by this division.

(Ord. No. 06-118, § 10, 8-29-2006)

Sec. 12-76. Violation and penalties.

- (a) A person who willfully violates any provision of this division after being advised by an employee of the facility that smoking in the area is prohibited shall upon conviction be punished according to the general penalties described in section 1-7.
- (b) A person who owns, manages, operates or otherwise controls the use of an establishment subject to this division, who violates any provision of this division upon conviction shall be punished according to the general penalties described in section 1-7.
- (c) Each day of violation shall constitute a separate violation.

(Ord. No. 06-118, § 11, 8-29-2006)

Sec. 12-77. Other applicable laws or regulations.

This section shall not be interpreted or construed to permit smoking where it is otherwise restricted by state or federal law or regulation. Nothing in this division is intended to prevent the owner or manager of a business from prohibiting smoking in other areas on ~~his~~their property.

(Ord. No. 06-118, § 12, 8-29-2006)

Secs. 12-78—12-97. Reserved.

ARTICLE III. WEEDS²AND LAWNS

Sec. 12-98. Definition.

For purposes of this article, noxious weeds shall mean the weeds defined in Wis. Stats. § ~~66.0517~~66.0407, (Canada Thistle, Leafy Spurge, and Field Bindweed, Creeping Jenny), which is hereby adopted and made a part of this article, and shall also include common ragweed (*Ambrosia artemisiifolia*), Giant ragweed (*Ambrosia trifida*), Bull thistle, and Purple Loosestrife (*Lythrum salicaria* or *L. virgatum*). A copy of the above-referenced statute shall be kept on file in the village clerk's office, where it shall be available for public viewing during normal business hours.
(Ord. No. 42, § 1, 4-29-1997)

Sec. 12-99. ~~Destruction of noxious weeds required.~~

~~Every person shall destroy all noxious weeds on every parcel of land which he owns, occupies or controls.~~

~~(Ord. No. 42, § 2, 4-29-1997)~~

Formatted: Section

²State law reference(s)—Noxious weeds, Wis. Stats. § 66.0407; weed commissioner, Wis. Stats. § 66.0517; special charges for current services, Wis. Stats. § 66.0627.

Sec. 12-100. Weed commissioner; destruction of weeds by village.

- (a) ~~The weed commissioner shall have the powers and duties enumerated in this article and in Wis. Stats. § 66.0517, except that he shall receive no compensation for his services.~~
- (b) ~~The weed commissioner shall destroy or cause to be destroyed noxious weeds, and he is further empowered to enter upon public and private lands and to cut or remove the accumulation or growth of weeds, grass, brush or other rank or offensive vegetation which has grown to a height greater than eight inches on improved land or ten inches on unimproved land.~~
- (c) ~~Noxious weeds shall be eliminated under the notice and charge provisions of Wis. Stats. § 66.0517. All other weed elimination or vegetation control shall be charged as a special charge for services rendered under Wis. Stats. § 66.0627 with or without notice to the property owner.~~

Formatted: Section

Formatted: Highlight

Formatted: Highlight

(Ord. No. 42, § 3, 4-29-1997) Noxious weeds.

- (a) At the direction of the village president, the village clerk shall annually on or before May 15 publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the village which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the weed commissioner of the village shall give five days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said weed commissioner after the expiration of the five-day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Wis. Stats. § 66.0407. In case the owner or occupant shall further neglect to comply within such five-day notice, then the weed commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon. During the same growing season, there will be no other notice to property owners to abate. If a second complaint is received during the same growing season regarding the same parcel of land, and if the nuisance is not abated immediately, the village will cut the property and bill the owner for time, machinery, and administrative costs. The village board has indicated that they will have zero tolerance in this issue. The abatement is the owner's responsibility.
- (c) As provided for in Wis. Stats. § 66.0407 the village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight inches in height from the ground surface shall be prohibited within the village corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hay fever in human beings or would cause a skin rash through contact with the skin.

Created: 2025-03-21 12:22:53 [EST]

Secs. 12-101—~~12-128~~. Reserved. Regulation – Length of lawns and grasses.

- (a) Purpose. This section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the village.
- (b) Public nuisance declared. The village board finds that lawns, grasses and noxious weeds on lots or parcels of land which exceed eight inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the village. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn.
- (c) Nuisances prohibited. No person, firm or corporation shall permit any public nuisance as defined in subsection (b) of this section to remain on any premises owned or controlled by him within the village.
- (d) Inspection. The weed commissioner or his designee shall inspect or cause to be inspected all premises and places within the village to determine whether any public nuisance as defined in subsection (b) of this section exists.
- (e) Abatement of nuisance.
- (1) If the weed commissioner shall determine with reasonable certainty that any public nuisance as defined in subsection (b) of this section exists, he shall immediately cause written notice to be served that the village proposes to have the lot grass or lawn cut so as to conform with this section 1. During the same growing season, there will be no other notice to property owners to abate. If a second complaint is received during the same growing season regarding the same parcel of land, and if the nuisance is not abated immediately, the village will cut the property and bill the owner for time, machinery, and administrative costs as well as citations may be issued The abatement is the owner's responsibility.
 - (2) The notice shall be served at least five days prior to the date of the abatement and shall be mailed or served on the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then the tenant shall be served.
- (f) Due process hearing. If the owner believes that their grasses or weeds are not a nuisance, he may request a hearing before the village board. The request for said hearing must be in writing to the village administrator's office within the five days set forth in the weed commissioner's notice. Upon application for the hearing, the property owner must deposit a bond. The amount of the bond shall be established by the village board, from time to time, and appears in the fee schedule attached as appendix C to this Code. If a decision is rendered in the property owner's favor, the bond will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of village personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the village board shall be held within seven days from the date of the owner's request. The property in question will not be mowed by the village until such time as the hearing is held by the board. At the hearing, the owner may appear in person or by their attorney, may present witnesses in their behalf and may cross examine witnesses presented by the village as well as subpoena witnesses for their own case. At the close of the hearing, the village board shall make its determination, in writing, specifying its findings, facts, and conclusions. If the village board determines that a public nuisance did exist, the board shall order the weed commissioner to mow the property in question unless the property has been mowed by the owner within 48 hours of the village board's decision. If the

owner does not abate the nuisance within the described 48 hours, the weed commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

(g) Village's option to abate nuisance. In any case where the owner, occupant or person in charge of the property shall fail to cut their lawn, grass or weeds as set forth in subsection (f) of this section, and in that event, the village may elect to cut said lawn, grass or weeds as follows:

(1) The written notice required in subsection (e) of this section shall inform said person that in the event of their failure to abate the nuisance within the prescribed time, the village shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.

(2) The village shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the village board. The charges shall be set forth in a statement to the village clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within 30 days thereafter, the village clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Wis. Stats. § 66.0907(3)(f).

(h) Natural Landscapes. Maintained natural landscapes and gardens around structures (i.e. fences and buildings) are exempt from the height limitations of this chapter.

(i) Penalty.

(1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of the section shall be subject to a fine as established in the Village Fee and Penalty Schedule. . Each day of occurrence shall constitute a separate violation.

(2) In addition to any penalties herein provided, the village may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this section.

Secs. 12-102—12-128. Reserved.

ARTICLE IV. WELL ABANDONMENT REGULATION

Sec. 12-129. Purpose.

To prevent contamination of groundwater and to protect public health, safety and welfare by ensuring that unused, unsafe or noncomplying wells which may serve as conduits for contamination or wells which may be illegally cross connected to the municipal water system, are properly abandoned as directed by Wis. Admin. Code ch. NR 811.

(Ord. No. 26, § I, 5-10-1993)

Sec. 12-130. Applicability.

This article applies to all wells located on premises served by the Darboy Joint Sanitary District #1 municipal water system and the Harrison-Waverly Sanitary District.

Created: 2025-03-21 12:22:53 [EST]

(Supp. No. 2, Update 1)

(Ord. No. 26, § II, 5-10-1993)

Sec. 12-131. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Municipal water system means a system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 ~~year~~~~round~~~~year-~~~~round~~ residents owned or operated by a city, village, county, village, village sanitary district, utility district or public institution as defined in Wis. Stats. § 281.62(1)(a), or a privately owned water utility serving any of the above.

Noncomplying means a well or pump installation which does not comply with the provision of Wis. Admin. Code ch. NR 812, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

Pump installation means the pump and related equipment used for withdrawing water from a well including the discharge piping, underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

Unsafe means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in excess of the standards of Wis. Admin. Code chs. NR 140, 809, or for which a health advisory has been issued by the department of natural resources.

Unused means a well or pump installation which is not in use or does not have a functional pumping system.

Well means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

Well abandonment means the filling and sealing of a well according to the provisions of Wis. Admin. Code ch. NR 812.

(Ord. No. 26, § III, 5-10-1993)

Sec. 12-132. Abandonment required.

All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this article and Wis. Admin. Code ch. NR 812, by December 31, 1991, or no later than one year from the date of connection to the municipal water system, whichever occurs last, unless a well operation permit has been obtained by the well owner from the village.

(Ord. No. 26, § IV, 5-10-1993)

Sec. 12-133. Well operation permit.

The village may grant a permit to a private well owner to operate a well for a period of not to exceed five years providing the conditions of this section are met. The village, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit application and renewal shall be made on forms provided by the clerk. The following conditions must be met for issuance or renewal of a well operation permit:

- (a) The well and pump installation meet or are upgraded to meet the requirements of Wis. Admin. Code ch. NR 812;

(Supp. No. 2, Update 1)

Created: 2025-03-21 12:22:53 [EST]

-
- (b) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two samplings taken a minimum of two weeks apart. No exception to this condition may be made for unsafe wells, unless the department of natural resources approves, in writing, the continued use of the well;
 - (c) There are no cross connections between the well and pump installation and the municipal water system; and
 - (d) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

(Ord. No. 26, § V, 5-10-1993)

Sec. 12-134. Abandonment procedures.

- (a) All wells abandoned under the jurisdiction of this article or rule shall be abandoned according to the procedures and methods of Wis. Admin. Code ch. NR 812. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (b) The owner of the well, or the owner's agent, shall notify the clerk at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by a representative of either the village, the Darboy Joint Sanitary District #1, or the Harrison-Waverly Sanitary District such representative to be appointed by either the village chairman or the business manager for the Darboy Joint Sanitary District #1.
- (c) An abandonment report form, supplied by the department of natural resources, shall be submitted by the well owner to the clerk and the department of natural resources within ten days of the completion of the well abandonment.

(Ord. No. 26, § VI, 5-10-1993)

Sec. 12-135. Penalties.

Any well owner violating any provision of this article shall upon conviction be punished according to the general penalties described in section 1-7. If any person fails to comply with this article for more than ten days after receiving written notice of the violation, the village may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

(Ord. No. 26, § VII, 5-10-1993)