

ORDINANCE TO PROVIDE FOR WELLHEAD PROTECTION IN THE VILLAGE OF HIXTON, JACKSON COUNTY, WISCONSIN

The Village Board of the Village of Hixton, Jackson County, Wisconsin, does hereby ordain as follows:

SECTION I: Village of Hixton Ordinance 10-1-32 is hereby repealed in its entirety and replaced to read as follows:

“VILLAGE OF HIXTON WELLHEAD PROTECTION ORDINANCE

(1) CONSTRUCTION OF ORDINANCE

(a) This ordinance shall be known, cited and referred to as the "Wellhead Protection Ordinance" ("WHP Ordinance").

(b) PURPOSE AND AUTHORITY.

1. The residents of the Village of Hixton ("Village"), and the adjacent Town of Hixton ("Town"), 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 WHP Ordinance is to institute land use regulations and restrictions to protect the water supply and well fields of the Village, 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 in Wis. Stat. § 61.35 to adopt ordinances to protect groundwater.

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

(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 Town's wellhead protection area that lies within the corporate limits of the Town. Existing facilities include but are not limited to the type listed in the Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form which is incorporated herein as if fully set.

(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) GROUNDWATER PROTECTION OVERLAY DISTRICT. “Groundwater protection overlay district” means that area described within the Village’s wellhead protection plan. A copy of the Village’s wellhead protection plan can be obtained from the Village Clerk.

(d) 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.

(e) TIME OF TRAVEL. “Time of travel” means the determined or estimated time required for a contaminant to move in the saturated zone from a specific point to a well.

(f) 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 (“District”).

(a) INTENT. The area to be protected as a District is that portion of the Village of Hixton’s well fields’ recharge areas extending to the groundwater divide 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, except for the following uses:

- i. Above ground storage tanks.
- ii. Asbestos product sales.
- iii. Automotive service and repair garages, body shops.
- iv. Blue printing and photocopying services.
- v. Car washes.
- vi. Equipment repair services.

- vii. Laundromats and diaper services.
 - viii. Dry cleaning.
 - ix. Gas stations.
 - x. Holding ponds or lagoons.
 - xi. Infiltration ponds.
 - xii. Nurseries, lawn and garden supply stores.
 - xiii. Small engine repair services.
 - xiv. Underground storage tanks.
 - xv. Wells, private, production, injection or other.
 - xvi. Any other use determined by the Village Board or Village Board 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.
 8. Single-family residences on a minimum lot of 20,000 square feet with a private on-site sewage treatment system receiving less than 8,000 gallons per day, which meets the County and State health standards for the effluent, and is in conformance with SPS 383, Wis. Adm. Code
 9. Residential use of above ground LP gas tanks for heating, not to exceed 1,000 gallons.

(c) SEPARATION DISTANCES. The following separation distances as specified in s. NR 811.12(5)(d), Wis. Adm. Code, shall be maintained and shall not be exempted as listed in section (3)(e).

The full list of NR 811.12(5)(d) setback rules shall be in effect. The following abbreviated list of distances shall apply for all Village of Hixton municipal wells:

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 12,000 gallons per day, a cemetery or a storm water drainage pond.
4. Six hundred feet between a well and any farm underground storage tank system or any gasoline or fuel oil storage tank installation that has received

written approval from the Wisconsin Department of Safety and Professional Services (“DPS”) or its designated agent under Wis. Admin. Code § ATCP 93.260.

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 Wis. Admin. Code 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 Wis. Admin. Code 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 DPS or its designated agent under Wis. Admin. Code ch. ATCP 93.110; 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 for the immediate notification of Village officials in the event of an emergency.

(e) EXEMPTIONS AND WAIVERS.

1. An applicant may request the Village in writing, to permit additional land uses in the District. Requests will be also reviewed by the Village for approval.
2. All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the Village and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the Village 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 any of the following:
 - (a) required environmental and safety monitoring consistent with local, state and federal requirements;
 - (b) bonds; and
 - (c) other securities.

(4) ENFORCEMENT

(a) In the event that a person, partnership, corporation or other legal entity (each a “person”) causes the release of any contaminants which endanger the District, the person causing said release shall immediately stop the release and clean up the release to the satisfaction of the Village.

(b) The person shall be responsible for all costs of cleanup, including all of the following:

1. 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, as appropriate, 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 Village employees attributed to the cleanup.

(c) Following any such discharge the Village may require additional test monitoring and/or bonds/securities.

(d) It shall be unlawful to construct or use any structure, facility, land or water in violation of this WHP Ordinance. Any person who is damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this WHP Ordinance.

(e) Any person that fails to comply with the provisions of this WHP Ordinance as determined by the Village Board shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) plus costs and fees for each violation. Each day a violation exists or continues shall constitute a separate offense.

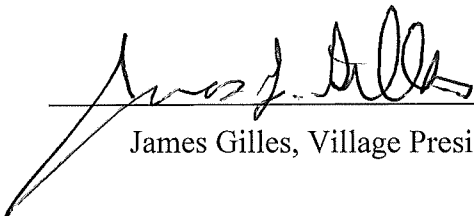
SECTION II. CONFLICT AND SEVERABILITY.

If any provision of this WHP Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this WHP Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this WHP Ordinance are severable.

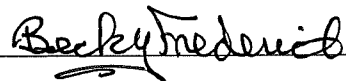
SECTION III. EFFECTIVE DATE.

This ordinance shall take effect upon publication as required under Wis. Stat. § 61.50.

Dated this 18th day of June, 2018.


James Gilles, Village President

ATTEST:


Becky Frederick, Village Clerk

Becky Frederick, Village Clerk

PASSED: 6-18-18

PUBLISHED:

POSTED: