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State:	Missouri
Jurisdiction Type:	Municipal
Municipality:	City of Springfield
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Title:	City of Springfield Aquifer Protection Ordinance
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Abstract

The provisions of this article are designed to regulate the drilling of wells so that the city may prevent potential hazards to the water quality, and to provide procedures whereby the city may take steps to protect the public health and welfare, including notification for abatement of hazardous situations, prescribing penalties for violation of this article, and prescribing procedures by which the provisions of this article may be executed.

Resource

**Codified through Ord. No. 5276, enacted June 2, 2003.
(Supplement No. 3)
(Includes Errata)**

Chapter 58 HEALTH AND SANITATION

ARTICLE IX. WELLS

Sec. 58-381. Purpose and scope of article.

The provisions of this article are designed to regulate the drilling of wells so that the city may prevent potential hazards to the water quality, and to provide procedures whereby the city may take steps to protect the public health and welfare, including notification for abatement of hazardous situations, prescribing penalties for violation of this article, and prescribing procedures by which the provisions of this article may be executed.

(Code 1981, § 15-110)

Sec. 58-382. 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:

Abandoned well means any well where the owners or tenants of the property on which it is located have no further intention to use the well as a water source.

Contamination means any condition which is hazardous to the health of people or animals, or hazardous to the aquifer, and thereby endangers neighboring property or people.

Director means the director of the department of public health and welfare for the city, or his duly authorized delegate or representative.

Person means any individual, firm, group, organization, corporation, partnership or association, or any combination of them, or body politic and corporate.

Well means any hole drilled or dug into the earth by boring or otherwise for the production of water, or any other hole deeper than 80 feet which enters into the water strata.

Well hazard means any well which has contamination, is abandoned, or is constructed in violation of the provisions of this article.

(Code 1981, § 15-111)

Cross references: Definitions generally, § 1-2.

Sec. 58-383. Drilling and construction standards; permit required.

No person shall drill, dig, bore or otherwise construct a well in the city except in accordance with Regulations Governing the Construction of Water Supply Wells (exhibit A attached to General Ordinance No. 3514, incorporated in this section by reference, called "Regulations") and in accordance with conditions of a permit from the department of building development services of the city. This article is not intended to apply to pilings or other construction holes that are filled with an impervious or solid substance or mines. The director of public health and welfare is hereby authorized to promulgate new regulations by giving 30 days' notice with the city clerk and an opportunity for comment thereon at a public hearing, provided such regulations conform to the regulations adopted by the state and notice is given 15 days in advance of the public hearing in a newspaper of general circulation in the city.

(Code 1981, § 15-112)

Sec. 58-384. Conditions of permit.

As a condition of a well permit, the applicant must obtain a letter or statement from the state department of natural resources, groundwater geologist, regarding the casing point, grouting recommendations, and construction recommendations. No permit shall be issued without such a statement or letter. The conditions of the permit shall be monitored by the director of public health and welfare, and the director shall have power to enforce the

recommendations contained in the statement or letter.

(Code 1981, § 15-113)

Sec. 58-385. Report to director upon completion of construction.

Upon completion of the construction of a well, a report shall be filed with the director of public health and welfare on a form approved by the director. The report shall identify the owner and the drilling contractor, the location of the well, its proposed use, construction details and other related information.

(Code 1981, § 15-114)

Sec. 58-386. Sealing of abandoned or contaminated wells.

Every abandoned or contaminated well shall be sealed in accordance with the recommendations of the state department of natural resources, groundwater geologist.

(Code 1981, § 15-115)

Sec. 58-387. Right of entry of enforcement officers.

(a) Whenever necessary for the purpose of enforcing the provisions of this article, or when the director of public health and welfare has reasonable cause to believe that there exists upon any property a condition which makes such property in violation of this Code, or that there exists upon any property a well hazard, the director may enter such property at all reasonable times to inspect the property or to perform any duty imposed upon the director by this Code; provided that, if such property is posted for "no trespassing" or is fenced or otherwise secured, the director shall first present proper credentials and request entry, except for emergencies to save lives or property. Notwithstanding such provisions, entry may be had by the director in all public or commercial places, buildings or structures in those spaces or areas that are open and accessible to the public. If such entry is refused, the director shall have recourse to every remedy provided by law to secure entry.

(b) If an official who has a duty to perform under this article has been refused access to property, and if such official has probable cause to believe that there may be a violation of this article or that there is a need to inspect as part of a routine inspection program of the city designed to protect the overall public health, safety and welfare of the community, then upon application by the city attorney to the municipal court judge and a showing of such matters, the municipal court judge of the city shall issue a search and/or seizure warrant, describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours and only by an official of the department of public health and welfare in the company of a uniformed police officer of the city.

(Code 1981, § 15-116)

Sec. 58-388. Notice to abate well hazard.

The director of public health and welfare shall, upon completing each search pursuant to this article, make a written determination as to whether a well hazard is present. If the director determines that a well hazard exists, he shall notify the person causing, maintaining or permitting the well hazard to abate such well hazard within the time to be specified in such notice. Such notification may be made by one of the following methods:

- (1) Notification may be made by delivery of the notice to the owner and/or responsible person for the property;
- (2) Notification may be made by depositing in the United States mail, postage prepaid, the notice, addressed to the owner and/or responsible person for the property;
- (3) If such property is not occupied, the director of public health and welfare shall notify the owner or responsible person in charge of the property by posting a notice of his request to abate or correct such well hazard within a time to be specified in such notice upon such property and shall send a copy of such notice by registered mail to the last known address of the owner or responsible person;
- (4) If such property is not occupied and the owner and responsible person are unknown or cannot be located, the director of public health and welfare shall post a notice containing an order to abate or correct the well hazard on the property where such well hazard exists;
or
- (5) Notification may be made by delivery of a notice or by depositing in the United States mail, postage prepaid, a notice to the person causing or maintaining the well hazard found in the inspection.

(Code 1981, § 15-117)

Sec. 58-389. Failure to comply with abatement order.

Failure upon the part of the owner or responsible person in charge of the property to comply with the abatement notice under section 58-388 may result in any or all of the following actions:

- (1) An order may be issued by the director of public health and welfare to the responsible person to immediately cease use of or construction of the well until necessary corrections are made;
- (2) If the owner or responsible person in charge of the well violates this article or if a notice of violation is not complied with within the time specified by the director of public health and welfare, the director of public health and welfare may cause a municipal court summons to be issued, and he may also request the city attorney to institute the appropriate legal

proceedings to obtain an injunction to restrain, correct or abate such violations. Upon conviction of a violation of this article, a person shall be punished as provided in section 1-7, except that the minimum fine shall be \$50.00 court costs. For every day from the time specified in the notice that such person shall fail, neglect or refuse to comply with the notice, and for every day thereafter that such person shall fail, neglect or refuse to abate or remove such adverse finding as specified in the notice, the person shall be deemed guilty of a separate offense;

(3) In addition to the penalties set forth in this section, the director may order a well to be sealed in a manner recommended by the state department of natural resources, groundwater geologist.

(Code 1981, § 15-118)

Sec. 58-390. Emergency abatement procedure.

The director of public health and welfare, upon making a written determination that the well hazard constitutes an immediate health hazard or life-threatening condition, may proceed to certify the property to the city attorney, who may immediately file suit seeking an injunction to compel correction of the well hazard on such property in the manner required in this article.

(Code 1981, § 15-119)

Sec. 58-391. Additional remedies for noncompliance.

(a) *Revocation of permits, licenses and utility service.* Whenever the director of public health and welfare has ordered a person to correct a well hazard and when such well hazard has not been corrected within the time specified by such order, thereafter, the director may institute an administrative action to revoke any and all permits issued by the city for the use of that property, including business licenses, occupancy permits and the right to receive utilities, by filing a notice of institution of a contested case before the administrative hearing officer in accordance with article X of the land development code.

(b) *Abatement by city.* In addition to the remedies otherwise provided in this article, the hearing officer shall have the authority to order the director of public health and welfare to abate the well hazard and to assess the cost of abatement against the owner of the property. The hearing officer shall certify the cost to the director of finance, and from the date of such certification there shall be a lien upon the land where such well hazard was abated, such lien to run with the land for the full cost to the city for such abatement and in favor of the city, upon which the city may take appropriate action in accordance with law. If the property has been posted with notice to abate the well hazard, the failure to give notice as set forth in this article shall not in any way invalidate a lien against the land for costs of abating the well hazard.

(Code 1981, § 15-120)