

Topic:	Natural Resource Protection & Conservation; Wetlands & Watercourse Protection
Resource Type:	Regulations
State:	Wisconsin
Jurisdiction Type:	Municipal
Municipality:	City of Brookfield
Year (adopted, written, etc.):	1997
Community Type - applicable to:	Urban; Suburban
Title:	City of Brookfield Well Head Protection Ordinance
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Abstract

This law is designed to provide protection to the City of Brookfield's water supply. The law includes standards and regulations, relating to well head protection, which apply to businesses and residents of the City. These standards proscribe distances which must separate the City's well heads from certain types of businesses and certain land uses. The law also has placed a ban on some activities which present a possible danger to the City's water supply, and discusses the penalties which would accompany the violation of these regulations.

Resource

City of Brookfield WI Well Head Protection
City of Brookfield WI Municipal Code
Title 13 Public Services
Chapter 13.24 Well Head Protection
<http://municipalcodes.lexisnexis.com/codes/brookfld/>

13.24.010 Statement of Purpose and Authority

The residents of 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 the well head protection ordinance is to institute land use regulations and restrictions to protect the city of Brookfield's municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the city.

Statutory authority of the city to enact these regulations was established 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 to protect public health, safety and welfare. (Ord. 1624 § 1, 1997)

13.24.020 Application of Regulations

A. The regulations specified in the well head protection ordinance shall apply to all lands that lie within the five-year "time of travel" (TOT) of each city municipal well or one thousand two hundred (1,200) feet minimum. These lands must be within the city corporate limits and have a well head protection area delineated in a well head protection plan accepted by the city.

B. No new use or change in use of any structure, land or water shall be located, extended, converted or structurally altered and no development shall commence without full compliance with the terms of this chapter and other applicable regulations. (Ord. 1624 § 2, 1997)

13.24.030 Definitions

As used in this chapter the following terms are defined in this section:

"Agricultural uses" means and includes pesticide and/or fertilizer storage and use, septage and/or sludge spreading, animal waste landspreading, animal waste facilities and animal confinement facilities related to the production of crops and use of livestock for commercial purposes.

"Aquifer" means a saturated, permeable geologic formation that contains and will yield significant quantities of water.

"Cone of depression" means the area under which the water level in an aquifer is lowered by the pumping of a well.

"Facility" means something created, built, installed or established to serve a particular purpose.

"Five-year time of travel (TOT)" means the area upgradient of a pumping well from the outer boundary of which it is determined or estimated that groundwater and potential contaminants will take five years to reach the pumping well.

Groundwater divide means ridge in the water table, or potentiometric surface of an aquifer, from which groundwater moves away in both directions. The line of highest hydraulic head in the water table or potentiometric surface.

"Well head protection area" is defined to include the area as calculated in Part 5 of the well head protection plan for each well.

"Natural vegetation" means and includes native trees, shrubs and prairie species and non-native plants, excluding lawns.

"Nonconforming use" means an existing legal use of land, structure, building or accessory use which is not in conformity with the provisions of this chapter.

"Recharge area" means an area in which water reaches the zone of saturation of an aquifer by surface infiltration and directly supplies groundwater recharge to a well.

"Well field" means a piece of land used primarily for the purpose of locating wells to supply a municipal water system. (Ord. 1624 § 3, 1997)

13.24.040 Well Head Protection

Lands immediately surrounding each municipal well are subject to the most stringent land use and development restrictions. This is due to the close proximity to each municipal well and the correspondingly high threat of potential contamination.

Lands surrounding each well will be subject to the following required minimum horizontal separation distances between a well and the following land uses and facilities.

- A. Fifty (50) feet between a well and a storm sewer main;
- B. Two hundred (200) feet between a well and any sanitary sewer main, lift station or 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 600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than fifty (50) feet;
- C. Four hundred (400) feet between a well and a septic tank receiving less than eight thousand (8,000) gallons per day, a cemetery or a storm water detention or retention pond;
- D. Six hundred (600) feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce or its designated agent under Section COMM 10.10, Wisconsin Administrative Code;
- E. One thousand (1,000) feet between a well and outer limits of land used for the application of municipal, commercial or industrial waste; industrial, commercial or municipal wastewater lagoons or storage structures; and septic tanks or soil absorption units receiving eight thousand (8,000) gallons of wastewater per day or more;
- F. One thousand two hundred (1,200) feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, one time disposal or small demolition facility; sanitary landfill; salt or deicing material storage area; gasoline

or fuel oil storage tanks that have not received written approval from the Wisconsin Department of Commerce or its designated agent under Section COMM 10.10; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities;

G. In addition, lands within the calculated well head protection area for each well are subject to the following pertained and prohibited uses:

1. Permitted Uses. The following land uses are permitted uses within well head protection area:

- a. Parks, provided there are no on-site waste disposal or fuel oil storage tank facilities associated within such use,
- b. Playgrounds,
- c. Wildlife areas,
- d. Nonmotorized trails, such as biking, skiing, nature and fitness trails,
- e. Residential uses,
- f. Agricultural activities,
- g. Commercial and industrial uses, except those listed as prohibited below.

2. Prohibited Uses. The following uses are prohibited uses within the well head protection area:

- a. Animal waste storage facilities,
- b. Asphalt products manufacturing,
- c. Bulk fertilizer and pesticide storage facilities,
- d. Bus or truck terminals,
- e. Dry cleaning facilities,
- f. Electroplating,
- g. Exterminating shops,
- h. Garage and vehicular towing,
- i. Gas stations,

- j. Hazardous and toxic materials storage and use,
- k. Hazardous and toxic waste facilities,
- l. Junk yards or auto salvage yards,
- m. Landfills or waste disposal facilities,
- n. Nonmunicipal spray wastewater facilities,
- o. Nonmunicipal wastewater treatment facilities,
- p. Other similar uses that pose a threat to groundwater quality,
- q. Paint and coating manufacturing,
- r. Printing shop,
- s. Public and municipal maintenance garages,
- t. Radioactive waste facilities,
- u. Salt storage,
- v. Septage and/or sludge spreading,
- w. Tire and battery services,
- x. Underground storage tanks, and
- y. Vehicle repair establishments, including auto body repair.

3. Other Permitted Uses. Individuals and/or facilities may request the city to permit other land uses in the well head protection area which are not expressly prohibited.

a. All requests shall be made in writing to the city and shall include a report assessing the potential for contamination of the public water supply wells concerned.

b. A copy of the assessment report shall be provided to the city for consideration and approval by the city plan commission and common council.

c. Any uses permitted under this subsection (G)(3) shall be conditional and the conditions of approval may include required environmental and safety, monitoring consistent with local, state and federal requirements, and/or the posting of bonds and/or sureties satisfactory to the city.

4. Nonconforming Uses.

a. General. Insofar as standards in this section are not inconsistent with the provisions of Section 62.23(7)(h), Wisconsin Statutes and the city zoning code shall apply to all nonconforming uses. The existing legal use of the structure or building or its accessory use which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

i. No modifications or additions to a nonconforming use shall be permitted unless they are made in conformity with the provisions of this section. For the purposes of this section, the words "modification" and "addition" shall include, but not be limited to, any alteration, addition, modification, rebuilding or replacement of any such existing structure or accessory use. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components.

ii. If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the land structure or building shall conform with the appropriate provisions of this chapter:

5. Requirements for Existing Facilities.

a. Facilities shall provide copies of all federal, state and local facility operation approvals or certificate and on-going environmental monitoring results to the city.

b. Facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the city, which may include, but is not limited to, stormwater runoff management and monitoring.

c. Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

d. Facilities shall have the responsibility of devising and filing with the city for the immediate notification of city officials in the event of an emergency.

e. In the event the individual and/or facility causes the release of any contaminants which endanger the district, the activity causing the release shall immediately cease and a cleanup satisfactory to the city shall occur.

f. The individual/facility shall be responsible for all costs of cleanup, city consultant fees at the invoice amount, plus administrative costs for oversight, review and documentation.

6. Enforcement and Penalties.

a. Violations. It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this chapter. In case of any violation, the director of inspection services may institute appropriate action or proceedings to enjoin a violation of this chapter.

b. Penalties. Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction pay a forfeiture consistent with the provisions of Chapter 1.12 of the city of Brookfield Municipal Code. Each day a violation exists or continues shall constitute a separate offense. (Ord. 1819 §§ 1 and 2 (part), 2001; Ord. 1624 § 4, 1997)