

## TOWN OF FLORENCE

**ORDINANCE NO.** 7/12/93

The Town Board of the Town of Florence does ordain as follows:

Ordinance No. 7/12/93 to be known as the "Well Head Protection Ordinance" (hereafter WHPO) is hereby created to read as follows:

### **SECTION 1: TITLE**

This ordinance shall be known, cited and referred to as the "Well Head Protection Ordinance" (WHPO).

### **SECTION 2: PURPOSE**

The users of the Florence Utility Commissions' water supply system 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 WHPO is to institute land use regulations and restrictions to protect the Florence Utility's municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Town of Florence.

These regulations are established pursuant to the authority granted the Town by Wisconsin Statutes (s.60.61), which provides for groundwater protection in municipal planning and zoning.

### **SECTION 3: APPLICABILITY**

- A. The regulations specified in the WHPO shall apply within the Town of Florence's corporate limits.
- 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 ordinance and other applicable regulations.

**SECTION 4: DEFINITIONS**

- A. **AQUIFER.** A saturated, permeable, geologic formation that contains and will yield significant quantities of water.
- B. **CONE OF DEPRESSION.** The cone-shaped area around a well, in which the water level is lowered by pumping of the well. The Cone of Depression for Well No. 3 of the Florence Utility Commissions' water supply system has been estimated to be 1,700 feet in diameter. The estimate was determined by Mc Donald - Maas Associates based on the pump test performed on Well No. 3.
- C. **GROUNDWATER DIVIDE.** Ridge in the water table, or potentiometric surface, from which groundwater moves away at right angles in both directions. Line of highest hydraulic head in the water table or potentiometric surface.
- D. **GROUNDWATER PROTECTION DISTRICT.** Shall be defined to include the following areas:
- Minimum separation distances specified in NR 811.12(4)(d)
  - Cone of Depression Area
  - Recharge Area
- E. **RECHARGE AREA.** Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.
- F. **WELL FIELD.** A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.
- G. **FIVE YEAR TIME OF TRAVEL (5 YR. T.O.T.).** The 5 Y.R. T.O.T. is the recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater and potential contaminants will take five years to reach a pumping well(s).
- H. **NONCONFORMING USE.** An existing lawful use of land, structure, building or accessory use which is not in conformity with the provisions of this ordinance.

**SECTION 5: GROUNDWATER PROTECTION DISTRICT (hereafter DISTRICT)**

The Groundwater Protection District consists of three separate areas.

The first area to be protected are the lands immediately surrounding the well. The limitations placed on this area are those specified in the Administrative Code.

The second area to be protected are the lands within the Cone of Depression of the well.

The third area to be protected are the lands within the Recharge Area of the well.

The Cone of Depression and Recharge Areas are shown on Figure No. 1, attached, and made part of this Ordinance.

**A. ADMINISTRATIVE CODE SEPARATION DISTANCES**

1. **INTENT.** The area to be protected are the lands immediately surrounding Well No. 3. These lands are subject to the most stringent land use and development restrictions because of their close proximity to the well field and the corresponding high threat of contamination.
2. **SEPARATION DISTANCES.**
  - (a) Fifty feet between a well and a storm sewer main.
  - (b) Two hundred feet between a well and any sanitary sewer main, lift station or 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 watermain 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 50 feet.
  - (c) Four hundred feet between a well and a septic tank receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.
  - (d) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Department of Industry, Labor and Human Relations or its designated agent under s. ILHR 10.10.
  - (e) One thousand feet between a well and land application of municipal, commercial or industrial waste; 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.

- (f) Twelve hundred 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; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the Department of Industry, Labor and Human Relations or its designated agent under s. ILHR 10.10; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

B. CONE OF DEPRESSION AREA

1. *INTENT.* The primary area to be protected is the land within 1,700 feet of Well No. 3, known as the Cone of Depression. These lands are subject to the most stringent land use and development restrictions because of their close proximity to the well field and the corresponding high threat of contamination.
2. *PERMITTED USES.* The following uses are permitted uses within Cone of Depression Area:
  - (a) Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated within this use.
  - (b) Playgrounds.
  - (c) Wildlife areas.
  - (d) Non motorized trails, such as biking, skiing, nature and fitness trails.
  - (e) Residential Uses.
  - (f) Agricultural Uses.
  - (g) Commercial and/or industrial uses, except those listed as prohibited below.
3. *PROHIBITED USES.* The following uses are prohibited uses within the Cone of Depression Area:
  - (a) Septage and/or sludge spreading.
  - (b) Animal waste facilities.
  - (c) Gas stations.
  - (d) Vehicle repair establishments, including auto body repair.
  - (e) Printing shop.
  - (f) Bus or truck terminals.
  - (g) Landfills or waste disposal facilities.
  - (h) Non municipal wastewater treatment facilities.
  - (i) Non municipal spray wastewater facilities.
  - (j) Junk yards or auto salvage yards.
  - (k) Bulk fertilizer and pesticide facilities.
  - (l) Asphalt products manufacturing.
  - (m) Dry cleaning facilities.

- (n) Salt storage.
- (o) Electroplating.
- (p) Exterminating shops.
- (q) Paint and coating manufacturing.
- (r) Hazardous and toxic materials storage and use.
- (s) Hazardous and toxic waste facilities.
- (t) Radioactive waste facilities.
- (u) Tire and battery services.
- (v) Garage and vehicular towing.
- (w) Public and municipal maintenance garages.
- (x) Underground storage tanks.
- (z) Other similar uses that pose a threat to groundwater quality.

### C. RECHARGE AREA

1. *INTENT.* A secondary area to be protected, is the land which lies within the Recharge Area of Well No. 3. It is estimated that the northwesterly extent of the recharge area and the 5-year T.O.T. distance are basically the same, therefore, the restrictions detailed below are planned to apply to the entire recharge area of Well No. 3. Land use restrictions within the area are less restrictive than in the Cone of Depression Area, because of longer flow time and a greater opportunity for containment, dilution and attenuation potential.
2. *PERMITTED USES.* The following uses are permitted within the area:
  - (a) All uses listed as permitted uses in Cone of Depression Area.
  - (b) Commercial and/or industrial uses, except those listed as prohibited below.
3. *PROHIBITED USES.* The following uses are prohibited uses within the Recharge Area:
  - (a) Septage and/or sludge spreading.
  - (b) Animal waste facilities.
  - (c) Printing shop.
  - (d) Bus or truck terminals.
  - (e) Landfills or waste disposal facilities.
  - (f) Non municipal wastewater treatment facilities.
  - (g) Non municipal spray wastewater facilities.
  - (h) Bulk fertilizer and pesticide facilities.
  - (i) Asphalt products manufacturing.
  - (j) Dry cleaning facilities.
  - (k) Electroplating.
  - (l) Exterminating shops.
  - (m) Paint and coating manufacturing.
  - (n) Hazardous and toxic materials storage and use.
  - (o) Hazardous and toxic waste facilities.

- (p) Radioactive waste facilities.
- (q) Underground storage tanks over 1000 gallons in size.
- (r) Other similar uses that pose a threat to groundwater quality.

**SECTION 6: OTHER PERMITTED USES**

- A. Individuals and/or facilities may request the Town of Florence to permit other land uses in the District.
- B. All requests shall be in writing to the Town of Florence and shall include an environmental assessment report.
- C. A copy of the Environmental Assessment Report shall be forwarded to the General Manager of the Florence Utility Commission as designee for recommendation to the Town Board.
- D. Any permitted uses shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or sureties satisfactory to the Town.

**SECTION 7: NONCONFORMING USES**

**A. GENERAL**

Insofar as the standards in this section are not inconsistent with the provisions of Section 62.23(7)(h), Wis. Stats., they shall apply to all nonconforming uses. The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

1. 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.
2. If a nonconforming use is discontinued for 12 consecutive months, any future use of the land structure or building shall conform with the appropriate provisions of this ordinance.

## **SECTION 8: 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 Town of Florence.
- B. Facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Town of Florence, which may include but are 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 Town of Florence a contingency plan satisfactory to the Town of Florence for the immediate notification of Town of Florence 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 said release shall immediately cease and a cleanup satisfactory to the Town shall occur.
- F. The individual/facility shall be responsible for all costs of cleanup, Town consultant fees at the invoice amount, plus administrative costs for oversight, review and documentation.

## **SECTION 9: 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 Town Board 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 thereof, forfeit not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, plus the costs of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding Thirty (30) Days, or in the alternative, shall have such costs added to their real property as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

JULY 12, 1993 CONTINUED.....

This Ordinance shall be in effect following adoption and publication.

PASSED AND ADOPTED BY THE TOWN BOARD OF THE TOWN OF FLORENCE  
ON THE 12th DAY OF July, 1993.

TOWN OF FLORENCE

By: Ray Steber  
Ray Steber, Town Chairman

ATTEST:

Judith Hahelhoff

Clerk/Treasurer

SECTION 2: APPLICATIONS

- A. The requirements specified in the WHPO shall apply within the Town of Florence's corporate limits.
- 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 ordinance and other applicable regulations.