

Legislation Details (With Text)

File #: 28538 **Version:** 1 **Name:** Private wells
Type: Ordinance **Status:** Passed
File created: 12/4/2012 **In control:** BOARD OF HEALTH FOR MADISON AND DANE COUNTY
On agenda: 2/5/2013 **Final action:** 2/5/2013
Enactment date: 2/13/2013 **Enactment #:** ORD-13-00018

Title: Amending Section 13.07(2) regarding the residential connection requirement, Section 13.21 regarding the well operation permit and abandonment requirements, and Section 1.08(3)(a) to create penalties for violations of these Sections.

Sponsors: Mark Clear, Lauren Cnare, Anita Weier

Indexes:

Code sections:

Attachments: 1. BODY, 2. Water Utility Board Statement re Water Service Connection Requirement, 3. Registration Statements.1.29.13, 4. 2.5.2013 registrations

Date	Ver.	Action By	Action	Result
2/5/2013	1	COMMON COUNCIL	Adopt	Pass
1/29/2013	1	WATER UTILITY BOARD	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
1/14/2013	1	BOARD OF ESTIMATES (ended 4/2017)	Return to Lead with the Recommendation for Approval	Pass
1/10/2013	1	BOARD OF HEALTH FOR MADISON AND DANE COUNTY	Return to Lead with the Recommendation for Approval	Pass
1/9/2013	1	BOARD OF PUBLIC WORKS	Return to Lead with the Recommendation for Approval	Pass
12/11/2012	1	WATER UTILITY BOARD	Refer	
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12/11/2012	1	COMMON COUNCIL	Referred	
12/4/2012	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

The well operation fee will be set by the Water Utility General Manager and approved by the Water Utility Board. It is anticipated that the fee will be approximately \$350 with some portion paid to Public Health Madison and Dane County for services they perform (inspections, certifications, surveys, sampling and analysis work). The proposed ordinance change will address some, but not all of the non-recovered costs related to program administration. These costs will be absorbed by the Utility.

This ordinance creates a residential connection rebate. The Water Utility would provide a rebate of up to \$2,000 for residences connecting to the city water system within the next three years. Currently, there are about 90 properties that would be eligible for the rebate, so the total cost to the Water Utility could be as high as \$180,000. Funds for the rebate will come from the Water Utility's antenna revenue on its reservoir towers - the same funding used for the lead service replacement program which concluded at the end of year 2011. No additional appropriation is required.

There may be a minor increase in General Fund revenues as a result of enforcement actions taken against property owners not in compliance with the requirements of these ordinances.

Title

Amending Section 13.07(2) regarding the residential connection requirement, Section 13.21 regarding the well operation permit and abandonment requirements, and Section 1.08(3)(a) to create penalties for violations of these Sections.

Body

DRAFTER'S ANALYSIS: This ordinance makes numerous changes to both Sections 13.07 and 13.21 to address various issues that have surfaced relating to the recently created residential connection requirement, along with the well operation permit and abandonment requirements.

The residential connection requirement set forth in Subsection 13.07(2) was created in December, 2011 pursuant to the authority set forth in Wis. Stat. Sec. 281.45, the City finding that requiring residential dwellings to connect to the City water supply, where available, was necessary to assure the preservation of public health, and the comfort and safety of City residents. It is believed that there are approximately 92 parcels that are currently subject to the residential connection requirement (where the water main is "available" as that term is defined in the ordinance), and an additional 45 parcels where the water main is not "available". In order to address concerns raised by the implementation of this connection requirement and the costs associated with connection when the distance from the house to the main is large, this ordinance limits the residential connection requirement to properties that are no more than 150 feet away from the water main. It is estimated that at least 20 properties lie outside of this distance, and therefore will be exempted from this requirement. In addition, this ordinance eliminates the current requirement that all permitted private wells otherwise subject to the connection requirements must connect at the expiration of the well operation permit. Rather, connection will now only be required upon the sale or transfer of the property (excluding transfers pursuant to will or nonprobate transfers at death), or the expiration or non-renewal of a valid well permit. Hence, these changes will allow current private well owners in the City to continue to use their private wells until they sell their property, provided the well continues to be permitted. This ordinance also increases the time period for connection to be made from 60 days to 90 days, to better accommodate the difficulties that may arise in this process. The current ordinance allows for "temporary exemptions" from the requirements of the connection requirement. To simplify this process, this language is being replaced by a "delayed connection" provision that will allow the General Manager to grant a delay to the otherwise required connection for a specified period of time. This provision gives the General Manger the discretion to delay a connection to addresses unique issues that may arise, provided the purposes of the ordinance are not undermined. Finally, this ordinance creates a residential connection rebate that, subject to certain conditions, would apply to all residential connections made prior to January 1, 2016. It is anticipated that by providing a rebate of a portion of the connection cost private property owners on private wells will have an incentive to connect to the water main earlier than otherwise necessary, which will further the public's interest underlying the connection requirement. Funding for this connection rebate will be addressed in the fiscal note to this ordinance.

Changes are also being made to the well operation permit and abandonment ordinance, Section 13.21. Specifically, the well operation permit process and requirements are being better defined and rearranged so that this subsection is easier to apply and easier to understand. An additional provision and associated language is being added to account for requests to modify a well operation permit in the event of connection of the property to the water main. This will better address permitting of wells that will be converted to irrigation use after connection. In addition, the testing requirements are being expanded to include a nitrate test in addition to up to two bacterial examinations as a condition of the issuance or renewal of a well operation permit, and annual testing will now be required of all permit holders. Finally, the well operation permit fee will now be set by the Water Utility Board so that it may accurately reflect the costs to the Madison Water Utility and the City of running this program.

In addition, this ordinance creates a bond schedule for violations of these private well related ordinances that will better allow the Madison Water Utility to take enforcement actions against property owners not in compliance with the requirements of these ordinances.

The Common Council of the City of Madison do hereby ordain as follows:
PLEASE SEE "BODY" IN ATTACHMENTS.