

receipt requested. If the owner or the operator cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a class 1 notice under Wis. Stat. ch. 985. The time limit specified in the order runs from the date of service or publication.

2. Abatement by the Utility. If the owner or operator fails or refuses to comply within the time period prescribed, the General Manager may enter upon the property and cause the nuisance to be removed or abated, including abandonment of the well, and the Water Utility shall recover the expenses incurred thereby from the owner or operator of the property. The expenses so incurred shall be levied as a special charge against the property.
  - (c) Remedy from Order. The order of the General Manager shall not be appealable to the Water Utility Board. Any person affected by orders issued under this subsection shall timely apply to the circuit court for an order restraining the Water Utility and the Director of the Water Utility from entering on the premises and abating or removing the nuisance, or be forever barred.
  - (d) Abatement in Accordance with State Law. Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the Water Utility or its officials in accordance with the laws of the state. The Water Utility or its officials may choose to proceed with an action under state law, upon authorization by the Water Utility Board.
- (11) This law does not supersede the State Plumbing Code, Wis. Admin. Code § NR 811 or Chapter 18 of the Madison General Ordinances entitled “Plumbing Code” but is supplementary to them. (Renum. by ORD-09-00124, Pub. 8-20-09, Eff. 1-1-10)  
(Sec. 13.21 Cr. by Ord. 10,136, 11-14-90; Am. by Ord. 12,345, 3-12-99; Am. by Ord. 12,567, 5-3-00; Ord. 13,500, 1-23-04; ORD-11-00170, 12-21-11)

### **13.22 WELLHEAD PROTECTION.**

- (1) To prevent contamination of wells supplying municipal water systems, the Water Utility General Manager or his/her designee shall review all proposed uses on zoning lots in Zones A and B in Wellhead Protection Districts.
- (2) Review will be based on the presence, use, or storage on the lot of hazardous chemicals, as defined by the Environmental Protection Agency. Consideration will be given to factors including but not limited to the following: whether the zoning lot is in Zone A or Zone B, effective storage or containment of particular hazardous chemicals, and the magnitude and/or frequency of use of the hazardous chemicals. Approval of the use may be contingent on specific conditions being met. A current list of hazardous chemicals, as defined by the Environmental Protection Agency, shall be maintained. (Cr. by Ord. 13,106, 7-23-02)

- 13.23 PENALTY.** Any person violating any provision of this chapter for which a separate penalty has not been imposed shall be punished by a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000). Each day or portion thereof such violation continues shall be considered a separate offense  
The word “fine” as used in this chapter shall be synonymous with the term “forfeiture”.  
(Am. by Ord. 12,357, Adopted 3-16-99; Renumbered to Sec. 13.23 by Ord. 13,106, 7-23-02; Am. by ORD-06-00135, 10-6-06)