

ARTICLE 13
WELLHEAD PROTECTION OVERLAY DISTRICT

Sections

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11.13.01 Legislative findings

The Common Council makes the following legislative findings relating to the wellhead protection overlay district:

- (1) The residents of the City of Wisconsin Rapids depend exclusively on groundwater for a safe drinking water supply.
- (2) Certain land use practices and activities can seriously threaten or degrade groundwater quality.
- (3) The City has the authority to adopt regulations relating to wellhead protection under s. 62.23(7)(a) and (c), Wis. Stats.
- (4) Regulations in this chapter relating to wellhead protection are adopted to promote the public health, safety, and general welfare of city residents.

11.13.02 Boundary of district

The boundary of the wellhead protection overlay district extends from the center of a public wellhead for a distance of 1,200 feet in all directions. Such boundary is based on the wellhead protection plan dated October 10, 1996, and as amended January 3, 2008.

11.13.03 Permitted land uses and activities

(a) Generally. The land uses/activities listed in Exhibit 13-1 are permitted provided the various restrictions are maintained and the use/activity is otherwise allowed in the base zoning district under this code. All other uses are prohibited.

(b) Amendment of this section. Land uses that are prohibited pose a high risk of polluting the groundwater based upon the combined pollution experience of many individual uses, and the technology generally employed. As the technology of these prohibited uses change to low or non-risk materials or methods, the above list of permitted uses may be amended consistent with the procedures and requirements in Article 5. It is the intention to continue a prohibition on such uses until the technology of the use removes reliance upon the pollutant materials or processes deemed to be a groundwater hazard.

Exhibit 13-1. Permitted land uses and activities

Minimum separation between well and land use /activity [1]	Permitted land use/activity
none	Biking, hiking, skiing, nature, equestrian, and fitness trails
none	Public and private parks, playgrounds, beaches, provided such use is connected to a municipal sanitary sewer service if sanitary service is provided (holding tanks and on-site systems are not permitted)
none	Wildlife management, open space, and similar uses
none	Routine tillage, planting, and field management operations related to crop production provided (1) herbicides and pesticides are not applied to the ground surface, (2) animal waste is not applied to the ground surface, and (3) the combination of all other nutrient sources applied or available do not exceed those thresholds established or recommended by the Wood County Land & Water Conservation Department, or alternatively the Natural Resources Conservation Service (NRCS).
none	Multi-family dwelling units provided such use is connected to a municipal sanitary sewer service
none	Single-family dwelling on a lot consisting of 20,000 square feet or more and is connected to a private on-site sewage treatment system
none	Single-family dwelling on municipal sewer.
none	Above-ground liquid propane gas tanks for heating with a maximum capacity of 1,000 gallons
200 feet	Single-family residential fuel oil tank
50 feet	Storm sewer main
200 feet	Sanitary sewer main, sanitary sewer manhole, and sanitary lift station. A lesser separation distance may be allowed for sanitary sewer mains if the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet.
400 feet	Septic tank or soil adsorption unit receiving less than 8,000 gallons per day provides such system complies with all local and state requirements for on-site sewage treatment systems
1,000 feet	Septic tank or soil adsorption unit receiving more than 8,000 gallons per day provides such system complies with all local and state requirements for on-site sewage treatment systems
400 feet	Storm water drainage pond or conveyance facility
600 feet	Gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Safety and Professional Services or its designated agent under s. Comm 10.10, Wis. Admin. Code.
none	Institutional, commercial, and industrial land uses provided such use is connected to a municipal sanitary sewer service, except that the following are strictly prohibited: motor vehicle fuel stations, vehicle repair establishments, auto body repair, printing and duplicating businesses, facilities involving manufacturing or industrial processes, bus or truck terminals, repair shops of all types, solid waste disposal or handling facilities, wastewater treatment facilities, spray wastewater facilities, junk yards or auto salvage yards, bulk fertilizer and/or pesticide facilities, asphalt products manufacturing, dry cleaning businesses, salt storage, electroplating facilities, exterminating businesses, paint and coating manufacturing, hazardous and/or toxic materials storage, hazardous and/or toxic waste facilities, radioactive waste facilities, recycling facilities, cemeteries, underground storage tanks of any size, and any other use determined by the zoning administrator to pose a high-risk of polluting the groundwater.

Notes:

1. See s. NR 811.12, Wis. Admin. Code

11.13.04 Nonconforming uses

Land uses that were legally established, but do not comply with the regulations in this article are nonconforming and are subject to the requirements set forth in Article 19. In addition, the operator of a nonconforming use shall (1) provide copies of all current, revised or new federal, state and local facility operation approvals, permits or certificates; operational safety plans; and on-going environmental monitoring results to the City; (2) provide additional environmental or safety structures/monitoring as deemed necessary by the Common Council, which may include but is not limited to stormwater runoff management and monitoring; (3) replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence; and (4) prepare and submit a contingency plan satisfactory to the zoning administrator for the immediate notification of city officials in the event of an emergency.

11.13.05 Responsibility for contamination cleanup

An individual and/or facility that releases a contaminant in the wellhead protection overlay district that has the potential of endangering the municipal water supply shall immediately stop the release and clean up the contaminant to the satisfaction of the Common Council and other state and federal regulatory agencies. The individual/facility shall be responsible for all costs of cleanup, including those incurred by the City, which may include:

- (1) consultant fees at the invoice amount plus administrative costs for oversight, review, and documentation;
- (2) the cost of city employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the city administrator representing the city's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits;
- (3) the cost of city equipment used in the response and cleanup; and
- (4) the cost of mileage reimbursed to city employees attributed to the cleanup.

The Common Council may require the responsible party to establish a monitoring program based on the nature of the contamination and the risk posed to the municipal water supply. In addition, the Common Council may require the responsible party to provide a financial security in such amount and type it deems necessary to safeguard the municipal water supply.

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