

ARTICLE V. PRIVATE WELLS

Sec. 46-311. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Well means an opening in the surface of the earth on any privately owned land for the purpose of removing fresh water, or a test well, recharge well, waste disposal well or a well used temporarily for dewatering purposes during construction.

(Code 1985, § 2.131)

Cross references: Definitions generally, § 1-2.

Sec. 46-312. Permit required.

No person shall dig or drill a private well upon any land within the city without having first secured a permit from the city commission, nor shall any private well be extended or enlarged without having first secured a permit under this article.

(Code 1985, § 2.132)

Sec. 46-313. Permit application and fee.

Any person desiring to dig, drill, extend or enlarge any private well shall make application to the city commission. Such application shall be in writing and shall contain all pertinent information concerning the size and location of the proposed well, or extension thereof, with a statement of the purposes for which water therefrom will be used. Such application shall be accompanied by a permit fee in the amount established by resolution of the city commission, which fee shall be returned if the permit shall not be granted.

(Code 1985, § 2.133)

Sec. 46-314. Hearing.

The city commission shall hold such hearing on the application as it may deem necessary, and may grant or deny issuance of a permit. If a permit is granted, the permit shall contain such reasonable terms and conditions as the city commission may deem necessary, relative to the depth or size of such private well, and the use and disposal of water taken therefrom.

(Code 1985, § 2.134)

Sec. 46-315. Regulations.

When any permit is granted for the drilling of any private well, such well shall be drilled in strict conformity and compliance with regulations contained in such permit, and such well, both at the time of drilling and subsequent thereto, shall be subject to inspection at all reasonable times by the water department of the city.

(Code 1985, § 2.135)

Sec. 46-316. Meters.

The city commission may, as a condition precedent to the granting of any permit, require installation on any private well of a meter measuring the amount of water taken therefrom. Such meter, if so required, shall be installed by the city water department, and all costs in connection therewith shall be borne by the owner of the premises and shall be an additional charge over and above the permit fee provided for in section 46-313.

(Code 1985, § 2.136)

Sec. 46-317. Disposition of waste.

No water from private wells within the city shall be permitted to enter the sewer system of the city unless the water first passes through a meter duly installed and approved by the city water department.

(Code 1985, § 2.137)

Sec. 46-318. Sewer charges.

Water from private wells deposited in the sewer system of the city shall be subject to the same charges as are provided for sewage treatment of water from the city's water system.

(Code 1985, § 2.138)

Sec. 46-319. Permit revocation.

Any permit granted under this article shall be revocable at the will of the city commission, provided that the city commission, prior to revoking such permit, shall give to the owner or operator of such well at least 90 days' written notice of its intent to revoke such permit. Such notice shall be deemed sufficient if served on such owner personally or by registered or regular mail and by posting a copy thereof on the premises where such well is located. Use of water shall be discontinued forthwith on revocation of such permit, and such well shall be capped or otherwise treated as required by order of the city commission.

(Code 1985, § 2.139)

Sec. 46-320. Water sales.

It shall be unlawful to sell water from any private well, except by express permission of the city commission, or to use water for any purpose other than the purposes specified in the permit granted therefor.

(Code 1985, § 2.140)

Sec. 46-321. Purpose of regulation; public nuisance declared.

(a) The regulation of private wells is intended to prevent waste, in an unreasonable manner, of

water from artesian wells, or use thereof which may in any way cause depletion or lowering of the head or reservoir thereof to the detriment or damage of other wells in the city.

(b) Any private well dug or drilled, or operated and maintained in violation of any provision of this article or of the permit for such well shall be a public nuisance, and the nuisance shall be abated forthwith.

(Code 1985, § 2.141)

Sec. 46-322. Wellfield protection area.

(a) The city wellfield protection area is hereby designated for the purpose of protecting public health and the environment, and to prevent interference with the implementation of a remedy selected for the city's wellfield site pursuant to the United States Environmental Protection Agency's (U.S. EPA) record of decision dated September 16, 1992 (ROD).

(b) The city wellfield protection area is located in the southwestern quadrant of the city in Section 34 of Township 17 North, Range 4 West of Grant Township in Clare County. The area is bounded on the north by Wheaton Avenue, to the south by Dunlop Street, to the west 200 feet west of the western boundary of property currently owned by the Mitchell Company of Owosso and to the east by U.S. Route 27.

(c) The following activities are prohibited upon or with respect to any lands located within the city wellfield protection area:

(1) No person shall be issued a permit for a private well;

(2) There shall be no consumptive or other use of the groundwater from existing wells that could cause exposure of humans or animals to any contaminated groundwater;

(3) No person shall interfere with the performance, construction, installation, effectiveness or maintenance of the remedial action being conducted in accordance with the ROD; and

(4) No person shall tamper with or remove the containment, treatment and/or monitoring systems related to any response action taken by the U.S. EPA, or any party acting as an agent for the U.S. EPA, or a responsible party acting under an administrative or judicial order, and which is selected and/or undertaken by the U.S. EPA pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 USC 9601 et seq.

(Code 1985, § 2.142)