

DIVISION 3. REGULATION OF PRIVATE WATER WELLS

Sec. 58-76. Purpose and findings.

(a) The Village of Dexter maintains and operates its own water service, therefore there is no need to install private water wells within the village. In order to protect the public health, safety and welfare, it is in the public interest to prohibit new private water wells in the Village of Dexter.

(b) In addition, an area of underground water within the Village of Dexter is contaminated with petroleum related compounds. The area of contaminated groundwater and a buffer zone are the "restricted zone" as defined below. These contaminants are regulated substances, as defined in Section 21303(d) of Part 213, Act 451 of Public Acts of 1994, and pose a potential hazard to the safety and welfare of the citizens of the Village of Dexter. There is no need to install private water wells in the restricted zone, because the Village of Dexter operates its own water service. Therefore, it is in the public interest to prohibit private water wells in the restricted zone.

(c) This regulatory division is a feasible method of protecting the public health. A consultant, as defined in Section 21302(b) of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, has determined that exposure to the regulated substances in ground water may be reliably restricted by means other than restrictive covenants. Imposition of restrictive covenants to restrict exposure is impractical as multiple properties are included in the restricted zone defined below.

(Ord. No. 5-2004, § 1, 4-12-2004)

Sec. 58-77. Definitions.

As used in this division:

Restricted zone means land located within the Village of Dexter, Washtenaw County, Michigan shown in Attachment A and described as:

All parcels located within Blocks 6, 7, 18, and 19; Lots 1, 2, 3, and 10 of Block 20; Lots 1 through 5 of Block 23; Lots 1 through 4 of Block 24; and Main Street from the East right-of-way of Alpine Street to the intersection of Central Street; Ann Arbor Street from Main Street to the Northerly right-of-way line of Dover Street, (including the area known as Monument Park); Broad Street from Main Street to the westerly right-of-way line of Fifth Street; Central Street from Main Street to the westerly right-of-way line of Fifth Street; Forest Street from its western terminus at Mill Pond to the west right-of-way line of Baker Road; Baker Road from the northerly right-of-way line of Forest Street to the southerly right-of-way line of Ann Arbor Street; the northern half of the lane between Block 23 and Block 24, and the lane between Block 18 and Block 19, all within the Original Plat of the Village of Dexter part of the North 1/2 of Section 6, T2S, R5E, Scio Township, Washtenaw County, Michigan.

Village means the Village of Dexter.

Village water service means the water supplied by the Village of Dexter.

Well means an opening in the surface of the earth for the purpose of removing water through nonmechanical or mechanical means for any purpose.

(Ord. No. 5-2004, § 2, 4-12-2004)

Editor's note: Attachment A as cited in above has not been set out in the Code, but is on file in the office of the village clerk.

Sec. 58-78. Private water wells prohibited.

No person, firm, association, corporation, or any other entity shall install, construct, maintain or use a water well within the village for any purpose whatsoever, except for the following:

- (a) Wells installed and maintained for the purpose of groundwater monitoring and/or remediation as part of a response activity approved or required by the Michigan Department of Environmental Quality;
- (b) Wells installed for construction dewatering, provided that the water generated by that activity is handled and disposed of in accordance with all applicable laws and regulations. Exacerbation, as defined by MCL 324.20101, caused by the use of wells under this exception shall be the responsibility of the person operating the dewatering well, as provided in Part 201 of 1994 PA 451, the Natural Resources and Environmental Protection Act (NREPA);
- (c) The Type II municipal wells operated by the Village of Dexter, provided that these wells are subject to groundwater monitoring under the oversight of the Michigan Department of Environmental Quality (MDEQ) Water Division its successor, and/or its designee, in accordance with Act 399 of 1976, the Michigan Safe Drinking Water Act, being MCL 325.1001--325.1023 et seq. and the applicable Part 7 Administrative Rules promulgated thereunder;
- (d) Wells installed and maintained outside of the "restricted zone" to supply industrial cooling water or for large-scale irrigation purposes, as may be approved on a case-by-case basis by the village council and MDEQ;
- (e) Nonconforming private wells outside of the restricted zone that service any property or structure (i) within the Village of Dexter on the effective date of this division or (ii) annexed into the village after the effective date of this division. Private owners and operators may continue to use such nonconforming wells subject to all applicable state and local laws; provided, however, that any nonconforming well that fails to produce adequate water for the intended use or is not actively used shall be properly abandoned in accordance with the Washtenaw County Department of Environment and Infrastructure standards. Exceptions to this subsection may be approved on a case-by-case basis by the village council; or
- (f) In exceptional cases outside of the restricted zone, the village may approve a new private well within the village if municipal water is not reasonably accessible. Such requests must be approved by the village council.

(Ord. No. 5-2004, § 3, 4-12-2004)

Sec. 58-79. Connection to village water service required.

- (a) Subject to the case-by-case exceptions set forth in section 58-78, the owner or occupant of any property or structure within the Village of Dexter that desires water service at any property or structure shall connect to the village water service.
- (b) The owner or occupant of any property or structure within the restricted zone that is currently serviced by a private water well shall remove or properly abandon the water well and connect to the village water service within 30 days of the effective date of this division. The abandoned water well shall be plugged in accordance with the Washtenaw County Department of Environment and Infrastructure standards. The owner or occupant of any property or structure within the restricted zone that desires water service at the property or structure shall

connect to the village water service.

(Ord. No. 5-2004, § 4, 4-12-2004)

Sec. 58-80. Notification to department of environmental quality.

The village shall notify the director of DEQ 30 days prior to the modification, lapsing, or revocation of the division.

(Ord. No. 5-2004, § 5, 4-12-2004)

Sec. 58-81. Nuisance per se.

A violation of this division is hereby declared a public nuisance or nuisance per se, and is declared to be offensive to public health, safety and welfare.

(Ord. No. 5-2004, § 6, 4-12-2004)

Sec. 58-82. Court action for abatement of nuisance.

The village may take civil action requesting injunctive relief against any person, firm, association, corporation, or other entity found to be in violation of this division. This abatement action shall be in addition to any penalty imposed by section 58-83.

(Ord. No. 5-2004, § 7, 4-12-2004)

Sec. 58-83. Civil infraction.

Any person, firm, association, corporation, or other entity who violates any provision of this division shall be responsible for a municipal civil infraction as provided for in chapter 22 of the village's Code of Ordinances and shall be subject to a fine of \$100.00. Each day this division is violated shall be a separate violation. Any action taken under this section shall not prevent civil proceedings for abatement or termination of the prohibited activity pursuant to sections 58-81 and 58-82.

(Ord. No. 5-2004, § 8, 4-12-2004)

Secs. 58-84--58-90. Reserved.