

ORDINANCE NO. 05-07-06AN ORDINANCE TO CREATE CHAPTER 59  
OF THE TOWN OF RICHFIELD MUNICIPAL CODE  
RELATING TO GROUNDWATER PROTECTION

The Town Board of the Town of Richfield, Washington County, Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1: Chapter 59 of the Town of Richfield Municipal Code is hereby created as follows:

**Chapter 59: Groundwater Protection**

**Sec. 59-1. Findings**

The Town Board finds that land development activities in the Town can have a significant adverse impact upon groundwater levels, which can adversely impact upon the health, safety and welfare of the community. In particular, and without limitation, the Town Board finds that development can:

- (1) Cause temporary or permanent loss of adequate water supply for the community from existing wells and infrastructure.
- (2) Diminish the capacity of water resources to support recreational and water supply uses, and a natural diversity of plant and animal life; and
- (3) Reduce groundwater recharge, which may diminish stream base flows and/or lower water levels in local lakes, ponds and wetlands.

**Sec. 59-2. Purpose and intent of article.**

The purpose of this chapter is to set forth requirements for groundwater protection related to development, aimed to minimize the impact upon steady state groundwater levels, in order to diminish the threats to public health, safety, welfare, and the natural resources of the town.

**Sec. 59-3. Groundwater protection permit.**

- (1) Permit required. A groundwater protection permit is required for all development of land as defined herein.
  - (a) No subdivision without permit. No land shall be divided by plat or certified survey map unless the requirements of this chapter are satisfied and approved as follows. Residential properties created by certified survey map are exempt from this ordinance.

(i) *Certificate of compliance.* No preliminary plat or certified survey map shall be accepted for filing unless it is accompanied by a certificate of compliance issued from the Town administrator or designee, dated not more than 12 months prior to the date of submission, documenting compliance with the requirements of this chapter. The Town administrator or designee shall grant certificates of compliance upon request, when it appears from available information that the requirements of this chapter will be satisfied if the land is divided and developed as proposed by the land division documents. The issuance of a certificate of compliance is a preliminary determination only, however, and it does not warrant or guarantee that a groundwater protection permit will be issued.

(ii) *Groundwater protection permit.* No land shall be divided by plat or certified survey map unless a groundwater protection permit is issued prior to approval of the final plat or certified survey map, but after the issuance of a stormwater permit

(b) *No multi-family without permit.* No multi-family residential buildings with two or more units shall be constructed unless the property owner has been granted a groundwater protection permit prior to, and not more than 12 months prior to, the issuance of the building permit.

(c) *No commercial, agricultural, industrial or other non-residential development without permit.* No commercial, agricultural, industrial or other non-residential development of land shall be allowed unless the property owner has been granted a groundwater protection permit prior to, and not more than 12 months prior to, the commencement of the development. For purposes of this paragraph, a development commences on the date of commencement of construction of any improvement, whether public or private, or site development, or approval of the final plat or certified survey map, if applicable, or the date of commencement of the development use, whichever date is earliest.

(2) *Application procedure.* To request a groundwater protection permit under this chapter, the following information shall be submitted to the administering authority:

(a) A completed application on a form provided by the administrator for that purpose;

(b) The applicable fees, as determined by the Town Board by separate resolution from time to time;

(c) The additional information required as specified in Exhibit A attached hereto and incorporated herein by reference.

(3) *New permit.* The issuance of a groundwater permit authorizes only those activities explicitly contemplated when the permit is issued. The Town may require the applicant to obtain a new permit in the event the administrator finds in the administrator's discretion that adverse groundwater impacts may arise, or may have arisen, on the property due to any of the following circumstances:

(a) There has been, or will be, a change in use of the property that will increase the amount of water pumped;

(b) Additional wells have been installed, or will be installed, on the property;

- (c) Water use has expanded, or will be expanded, due to irrigation or decorative uses;
- (d) The impervious surfaces of the property have been expanded, or will be expanded;
- (e) The runoff drainage has changed, or will change, on the property. Such changes may include, but are not limited to, modifications involving retention/detention ponds, stormwater conveyances and drainage patterns;
- (f) The wastewater system has been modified, or will be modified. Such modifications may include, but are not limited to, changing from on-site wastewater systems to sewer, holding tank, or other methods that conveys wastewater off site;
- (g) Natural vegetation has been removed, or will be removed.

**Sec. 59-4. Application review procedures.**

(1) Within thirty working days of receipt of a completed application form and fee, unless extended as described herein or otherwise extended by the applicant, the administrator shall:

(a) Determine if the requirements of this chapter have been met, including the following criteria:

- (i) The applicant must provide proof to the satisfaction of the administrator that the drawdown at the property boundary shall not exceed one (1) foot; in the case of a property line which abuts a road right of way, the property boundary may be considered to be the property line at the opposite side of the road right of way for purposes of this requirement; and
- (ii) The applicant must provide proof to the satisfaction of the administrator that the drawdown at any perennial stream, wetland or lake shall not exceed one-half ( $\frac{1}{2}$ ) foot;

(b) Determine if more information or additional review is needed; and

(c) Notify the applicant accordingly. Notification shall be in written or electronic form, unless otherwise waived by the applicant.

(2) The administrator may request comments from other agencies or units of government within the thirty day review period, and the review period shall be extended to allow for comments to be received. The administrator shall notify the applicant if additional comments are being requested and shall have ten working days from the receipt of those comments to notify the applicant of the results of the review.

(3) If all of the applicable requirements of this chapter have been met, the administrator shall issue a groundwater protection permit. If the requirements of this chapter have not been met, the administrator shall notify the applicant of the permit denial.

**SECTION 2: SEVERABILITY.**

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 21 day of July, 2005.

TOWN OF RICHFIELD

*Diane Pedersen*

Diane Pedersen, Town Chairman

ATTEST:

*Pamela S. Spranger*

Pamela S. Spranger, Town Clerk

Published and posted this 22 day of July, 2005.

## **Exhibit A for Town of Richfield Groundwater Protection Ordinance**

The additional information that needs to be included in an application for a groundwater protection permit submitted by the developer or his/her designee in a report form, shall include, but is not limited to:

### **Background:**

- A map or maps showing the development site with its proposed lots, roads, and drainage and runoff collection/retention systems and green spaces. These maps should highlight the locations of impervious surfaces and indicate what portion of the total site will be covered by them.

### **Hydrogeological conditions at the site:**

- Soils map for the area around the site;
- Construction reports for existing wells near the site, including any high-capacity wells;
- Geologic cross-sections (one north to south, another east to west) through the site which incorporate relevant well construction reports. These sections should show the spatial distribution and continuity of clay, sand and gravel, and dolomite, and should extend from the ground surface to the Maquoketa shale. (These are reports, not necessarily borings);
- The position of the water table (which can be shown on the cross sections).

### **Water needs for the proposed development upon completion:**

- The anticipated total pumpage required for the site (both average and maximum daily totals);
- An explanation as to how the estimated pumpages have been determined;
- An indication of how the water will be obtained (individual wells for each structure or wells serving multiple structures).

### **Provisions to maintain or enhance ground water recharge. These can include, but are not limited to:**

- Infiltration from runoff retention ponds;
- Groundwater returns from on site wastewater treatment facilities;
- Maintenance of natural water collection areas (kettles, swales, etc);
- Location and design of greenspace to slow runoff and enhance infiltration;
- Methods to divert runoff from impervious surfaces into areas for enhanced infiltration.

### **Projected impacts of the project:**

- The anticipated drawdowns resulting from the project and the manner in which these have been determined;
- The anticipated drawdowns at nearby wetlands and perennial lakes, streams or rivers.