

Amendment to Resolution # 1-2000

ORDINANCE NO. 02-10

The Town of Mekan, Marquette County, Wisconsin, does hereby ordain as follows: SECTION I: PURPOSE

The purpose of this ordinance is to amend/create portions of Ordinance No. 02-10 of the Mekan Code pertaining to regulation of ground water withdrawals.

SECTION II: PROVISIONS AMENDED/CREATED

Ordinance No. 02-10 is hereby created.

SECTION III: PROVISION AS AMENDED/CREATED

REGULATION OF GROUND WATER WITHDRAWALS

1. FINDINGS SECTION

The Town of Mekan finds that groundwater withdrawals and uses can have significant adverse effects on groundwater levels and, in turn, this can have an adverse impact on the health, safety and welfare of the community. In particular, the Town's Board of Supervisors finds that such withdrawals and uses can:

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

2. PURPOSE AND INTENT OF ARTICLE SECTION

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

3. GROUNDWATER PROTECTION PERMIT SECTION

- A. Application Procedure. To request a groundwater protection permit under this

Chapter, the following information shall be submitted to the Town's Board of Supervisors:

1. A comprehensive report completed by a qualified hydrologist.
2. The applicable fees, as determined by the Board of Supervisors by separate resolution.

B. 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 that adverse groundwater impacts may arise, or may have arisen, on the property due to any of the following circumstances:

1. There has been, or will be, a change in use of the property that will increase the amount of water pumped;
2. Additional wells have been installed or will be installed on the property;
3. Water use has expanded or will be expanded.

2. APPLICATION REVIEW PROCEDURES SECTION

A. Within 30 working days of receipt of a completed report and fee, unless extended as described herein or otherwise extended by the applicant, the Board of Supervisors shall:

1. Determine if the requirements of this Chapter have been met, including the following criteria:
  - a. The applicant must provide proof to the satisfaction of the Board of Supervisors that the drawdown at the property boundary shall not exceed one 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
  - b. The applicant must provide proof to the satisfaction of the Board of Supervisors that the drawdown at any perennial stream, wetland or lake shall Not exceed one-half foot.
2. Determine if more information or additional review is needed; and
3. Notify the applicant accordingly. Notification shall be in written or electronic form unless otherwise waived by the applicant.

B. The Board of Supervisors may request comments from other agencies or units of government within the 30-day review period and the review period shall be extended to

allow for comments to be received. The Board of Supervisors 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.

C. If all of the applicable requirements of this Chapter have been met, the Board of Supervisors shall issue a groundwater protection permit. If the requirements of this Chapter have not been met, the Board of Supervisors shall notify the applicant of the permit denial.

#### 5. PERMIT FEE

A permit fee in the amount of \$1,000.00 will be due at the time of application. Applicant must also deposit the sum of \$5,000.00, which will be held and used by the Township to offset any professional fees it incurs in reviewing the application and supporting documentation and/or completing the permit process. Applicant will receive a billing at the end of the process with either a refund of any funds still held by the Township or a requirement to pay the balance within 30 days. If not paid within 30 days, the Township may file suit against both the applicant and any of its principal owners and shall be entitled to collect any of its expenses in collection including reasonable attorney's fees.

#### 6. VIOLATIONS AND PENALTIES

Any person who violates any provision of this ordinance shall forfeit not less than \$5,000.00 per day. Each day that such violation continues constitutes a separate offense. The Town of Mecan may issue a citation or citations to any person allegedly violating this ordinance and may, at its option, also seek injunctive relief in addition to any penalties addressed herein.

#### SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

#### SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed. SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication as provided by statute.

#### SECTION VII:

This ordinance becomes a part of Ordinance No. 02-10 of the Town of Mecan Code.

Michael L. Raddatz, Chairman



Mick Masters, Supervisor



Arlowayne Wegner, Town Clerk



Bill Struthers, Supervisor



DATE INTRODUCED: May 11, 2010

Roll Call on Ordinance # 02-10, Ayes 3 Nays 0 Absent 0 Abstain 0

Passed and adopted this 11<sup>th</sup>, day of May, 2010