

ORDINANCE 2007- 16

**CITY OF DUNDAS
STATE OF MINNESOTA**

*AN ORDINANCE AMENDING SECTION 502.06 OF THE
DUNDAS CITY CODE RELATING TO THE USE OF PRIVATE WATER WELLS*

WHEREAS, the City of Dundas (hereafter “City”) has enacted Section 502.06 (2006) of the Dundas City Code, which requires that all properties within the city limits connect to the public water system where it is available; and

WHEREAS, there are several properties which continued to use private water wells within residential, commercial industrial and rural service district, which existed as of December 31, 2006; and

WHEREAS, the City wishes to phase out the use of private water wells for domestic and residential purposes, and impose greater restrictions on the use of private water wells for agricultural, commercial and industrial purposes as a means of insuring that unmetered water from private water wells does not enter the City’s sanitary sewer system;

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF DUNDAS ORDAINS as follows:

1. That Section 502.06 of the Dundas City Code is amended as follows:

“§ 502.06 CONNECTION TO MUNICIPAL WATER SYSTEM REQUIRED

(A) **AVAILABILITY DEFINED:** Water from the municipal water system shall be considered available, if a connection to the municipal system lies within 300 feet of the property line of any parcel of land.

(B) **REQUIRED CONNECTION:** It shall be unlawful to install, construct, reconstruct, maintain, use or repair any private water well or unmetered water system which is designed or intended to provide water for domestic purposes unless:

- (1) municipal water is not available; and
- (2) the property owner obtains a Conditional Use Permit from the City of Dundas.

“Domestic use or Purpose” means that the water is used or consumed by humans.

(C) PRIVATE WATER WELLS – WHEN ALLOWED

(1) RESIDENTIAL PROPERTIES.

Notwithstanding Paragraph (B), private water wells, in use on December 31, 2006 and servicing residential homes may continue to be used through December 1, 2009, or whenever any improvement is made upon the property requiring the issuance of a building permit, whichever occurs first.

At that time, the property owner must connect to the municipal water system, or obtain a Conditional Use Permit for the continued use of the private water well, under Paragraph (E).

All water usage from existing water wells must be metered with City approved remote-read water meters by no later than February 28, 2008.

(2) NON-RESIDENTIAL PROPERTIES (INDUSTRIAL, COMMERCIAL AND RURAL SERVICE DISTRICTS).

a) BEFORE DECEMBER 2009. Notwithstanding Paragraph (B), private water wells in use on December 31, 2006 and servicing non-residential properties, may continue to be used through December 1, 2009, or whenever any improvement is made upon the property which requires a building permit, whichever occurs first.

At that time, the property must connect to the municipal water system or obtain a Conditional Use Permit under Paragraph (E).

All water usage from existing water wells must be metered with City approved remote-read meters no later than February 28, 2008.

b) AFTER DECEMBER 2009. Private water wells may be allowed by Conditional Use Permit for non-residential properties after December 1, 2009, under the following circumstances only:

(i) For domestic use purposes, if municipal water is not available and all water usage from the private water well is metered with a City approved remote-read water meter; or

(ii) (a) The private water well is used solely for non-domestic purposes, including crop irrigation, industrial or commercial purposes, and as long as the water from the private well does not enter into the Dundas sanitary sewer system and all water usage from the private well is metered with a city approved remote-read water meter; and

(b) Private water wells which are continued or maintained after any structure is connected to the municipal water system shall have no means of cross-connection between the private well and the municipal system at any time. Hose bibbs that will enable cross-connections of the two systems are prohibited.

(D) DISCONTINUATION OF PRIVATE WATER WELLS. If the private water well will not be used after connection to the municipal water system is made:

a) The well pump and tank shall be disconnected from all internal piping;

b) The well casing or boring shall be filled with grout from the bottom to a point which is two feet from the established ground surface or floor level;

c) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City Utilities Superintendent that the well has been sealed.

d) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. §§ 103I.301 to 103I.345 and Minn. Rules Chapter 4725, Wells and Borings, as it may be amended from time to time.

(E) CONDITIONAL USE PERMITS.

1. Private water wells may be used, installed, and maintained within the City by Conditional Use Permit only in the following cases:

a) When used for non-domestic industrial, commercial or agricultural purposes and none of the water from the private water well will enter the City municipal sanitary sewer district.

b) When used for domestic consumption purposes and water from the City's municipal water system is not available.

2. Conditional Use permits shall be issued only on the following conditions:

a. All water use must be metered by a city approved remote-read water meter.

b. The property owner either consents to annual inspections by the city or provides annual certification by a licensed plumber, of the property owner's choosing to assure that no unmetered or non-domestic water is entering the City's sanitary sewer system.

- c. That the property connects to the municipal water system when municipal water is available.

(F) CONNECTION TO MUNICIPAL SYSTEM AFTER AVAILABILITY.

Effective December 1, 2009, all properties which have municipal water available to them, as described above, shall be required to connect to the municipal water system, and seal any private well which is used or maintained upon the property for domestic purposes. The connecting property shall pay for the cost of the extension of the municipal water system, or Petition the City for extension of the water system by the City, under Minnesota Statutes §429, so that connection is completed by December 1, 2009.

All connections to the municipal water system shall be completed by a licensed plumber.

(G) ENFORCEMENT PROVISIONS.

1. Compliance with the provisions of this code section, which require that a remote-read, city approved water meter be installed by a specified date, or annually verified, may be established by obtaining an inspection of each building located on each property where there is a privately owned water well, by an inspector designated by the City. If the property owner refuses to provide city officials consent to enter upon the property, then the city may obtain an administrative search warrant, in a civil action to require compliance with this code section.

In lieu of having the city inspect the property, the owner may, by no later than the specified due date, furnish a certificate from a licensed plumber of the owner's choosing, in a form acceptable to the City, that the property is in compliance with this code section.

The purpose of the inspection is to confirm that an approved water meter is installed and that no water from a private well is being discharged into the City's sanitary sewer system in violation of this section.

2. The City may commence a civil action to compel compliance with this section. If the city prevails in said civil action, the city shall also recover all of its costs and expenses incurred in said action, including reasonable attorney fees.
3. For each month that a property having a private water well has failed to establish compliance with this section, the property shall be assessed a sewer fee of \$200 per month until compliance is established. Said fee shall be certified to the Rice County Auditor for collection with the property taxes due with respect to the parcel of land affected.

2. That the attached Summary of Ordinance 2007-16 is hereby approved for publication.

APPROVED BY THE CITY COUNCIL of the City of Dundas, Minnesota, on this 10th day of December 2007.

CITY OF DUNDAS BY

ATTESTED TO BY:

Chad Marks, Mayor

John M. McCarthy, City Administrator/Clerk

Ordinance 2007-16

____Marks ____Amy ____Cruz ____Mazurek ____Zander

Publication in Northfield News on: December 15, 2007

Type of Property	Requirements from present date to 12-01-09	Requirements after December 1, 2009
1. <i>Residential properties</i>		
A) New construction	No private wells permitted, unless municipal water unavailable. Then, CUP is required.	Same requirements.
B) Properties with existing private water wells	Private well may continue through 12-1-09, or until repair or improvement to the property must be metered. <u>Must install water meter by February 28th, 2008.</u>	Private well use must discontinue unless CUP approved, due to no availability.
2. <i>Industrial/ Commercial/ Rural Service Districts</i>		
A) New construction	(i) No private well for domestic use, unless municipal water unavailable. Then, CUP is required. (ii) Non-domestic use permitted by CUP.	Requirements are the same.
B) Existing private water wells	(i) Private well may continue for domestic use through 12-1-09, or until repair or improvement. Then, connection or CUP required. <u>Must install water meter by February 28th 2008.</u> (ii) May be continued indefinitely for non-domestic use by obtaining Conditional Use Permit, and if no disposal into sewer system and metered.	(i) Must connect to municipal system for domestic use, unless CUP obtained due to no availability. (ii) Requirements are same for non-domestic use.