

CHAPTER 4

Ground Water Withdrawals

Sec. 6-4-1 Regulation of Ground Water Withdrawals

(a) **Purpose.** The purpose of this chapter 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. The ordinance is to control water taken from the watershed and not returned to the watershed.

(b) **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.

(c) **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, or 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;

4. Water is being used and not returned to the watershed.

(d) **Application Review Procedures.** 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

right-of-way, the
line at the
requirement;
Board of
wetland or lake
and
or electronic

one foot; in the case of a property line which abuts a road
property boundary may be considered to be the property
opposite side of the road right-of-way for purposes of this
and
b. The applicant must provide proof to the satisfaction of the
Supervisors that the drawdown at any perennial stream,
shall not exceed four inches.
2. Determine if more information or additional review is needed;
3. Notify the applicant accordingly. Notification shall be in written
form unless otherwise waived by the applicant.

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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.

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 Supervisor shall notify the applicant of the permit
denial.

(e) **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 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.

(f) **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 Packwaukee may issue a citation or citations to any person allegedly violating this ordinance any may, at its option, also seek injunctive relief in addition to any penalties addressed herein.

(g) **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.

(h) **Conflicting Provisions Repealed.** All ordinances in conflict with any provisions of this ordinance are hereby repealed.

This ordinance was posted on July 26, 2011 and approved by the Town Board and signed by Don Hall, Chair and Janny Slama, Clerk on August 9, 2011.