



Introduced by Supervisors Bill Leichtnam, Joseph Zurfluh, William Clendenning  
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LAD

Motion:	Adopted:	<input type="checkbox"/>
1 <sup>st</sup> _____	Lost:	<input type="checkbox"/>
2 <sup>nd</sup> _____	Tabled:	<input type="checkbox"/>
No: _____ Yes: _____	Absent:	<input type="checkbox"/>
Number of votes required:		
<input checked="" type="checkbox"/> Majority	<input type="checkbox"/> Two-thirds	
Reviewed by: <u>PAK</u>	, Corp Counsel	
Reviewed by: _____	, Finance Dir.	

INTENT & SYNOPSIS: To create an ordinance that prohibits the significant degradation of surface and groundwater in Wood County and provides some protections to private water supply systems.

FISCAL NOTE: Unknown and likely nominal direct cost associated with enforcement would be mitigated by penalties; on a broader and long-term basis the ordinance would provide for the protection of water which is an invaluable resource to the county and its residents.

		NO	YES	A
1	LaFontaine, D			
2	Rozar, D			
3	Feirer, M			
4	Wagner, E			
5	Hendler, P			
6	Breu, A			
7	Ashbeck, R			
8	Miner, T			
9	Winch, W			
10	Henkel, H			
11	Curry, K			
12	Machon, D			
13	Hokamp, M			
14	Polach, D			
15	Clendenning, B			
16	Plimi, L			
17	Zurfluh, J			
18	Hamilton, B			
19	Leichtnam, B			

**WHEREAS**, a part of the southern portion of the county lies in a zone with the highest level of groundwater contamination susceptibility due to the sandy and highly leachable soils, and

**WHEREAS**, many citizens of south Wood County have expressed a desire to see the county provide whatever level of regulatory protection to surface and groundwater it can to protect against contaminated water in general and to provide protection to private wells in particular, and

**WHEREAS**, the risk associated to the surface and groundwater of the county is so serious in the danger it presents that every possible action within the bounds of the law needs to be taken to protect the water and the citizens,

**WHEREAS**, the ordinance set forth below has been developed to provide the maximum level of legal protection possible within the framework of the state laws and rules in establishing county regulations to protect against

the excessive contamination of ground and surface water in the county while providing information to the various users of the water as to the limits of their ability to damage this resource.

**NOW, THEREFORE, THE WOOD COUNTY BOARD OF SUPERVISORS HEREBY ORDAINES AS FOLLOWS:**

Section 1: Section 101.02 of the Wood County Ordinances, which simply provides that section 101.01 shall be effective upon passage and publication, is hereby rescinded.

Section 2. Section 101.02 of the Wood County Ordinances is hereby created to read as follows:

**PROHIBITED CONTAMINATION OF COUNTY GROUND AND SURFACE WATERS**

- (1) **Authority.** This ordinance is adopted under the authority granted by law including Wis. Stat. ss. 59.03, 59.69, 59.70, Chs. 251, 254 and 823. This ordinance is also specifically based upon Wis. Stat. s. 92.11 which grants counties the general authority to utilize ordinances to promote soil and water conservation. Conservation includes the preservation and protection of soil and water and preventing their exploitation, destruction and neglect.

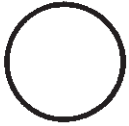


**ORDINANCE#**

Effective Date: Upon passage & publication

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- (2) **Application.** This ordinance applies as set forth herein and to the extent the state of Wisconsin has not specifically reserved to itself the ability to regulate the activity in question.
- (3) **Administration.** This ordinance shall be administered by the several departments referenced as set forth herein.
- (4) **Purpose.** The purpose of this ordinance is to protect the public health, safety, environment and general welfare of the citizens and visitors to Wood County.
- (5) **Validity.** Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part or parts found to be invalid.
- (6) **Definitions.**
  - (a) "Health Hazard" means a substance, activity or condition that is known to have the potential to cause acute or chronic illness or to endanger human life and which causes a substantial threat to the public health or safety. [Wis. Stats. ss. 254.01(2) and 823.08(3)(a)2.]
  - (b) "Water" shall include any surface and groundwater in the county.
  - (c) "Water that is Available to the Public" means Water that the public has a legal right to access, consume or use.
  - (d) "Well" shall mean a private water supply system designed for supplying water for human or animal consumption.
- (7) **Prohibited Conduct.**
  - (a) No person or entity may cause or create a Health Hazard by contaminating "Water that is Available to the Public."
  - (b) No person or entity may act in a manner that the administrators of this ordinance have determined and provided them notice of which would constitute a Health Hazard.
  - (c) No person or entity may cause Water drawn through a Well owned by a second person or entity to be unsafe for human or animal consumption.
- (8) **Violations.** Complaints concerning potential Health Hazards may be presented to the Health Department or the Land and Water Conservation Department. The department that receives the complaint shall determine who and how the matter should be investigated. The extent and timing of the investigation shall be based upon factors determined relevant by the county department that will be investigating the complaint. The department may deem it appropriate to confer with its oversight committee, other departments within the county as well as state agencies as to what if any actions should be taken. If the department determines that the complaint addresses a matter that likely constitutes a Health Hazard to which this ordinance applies, then the department shall communicate with the offending person or entity that the activity constituting the Health Hazard must be ended or modified in such a fashion as to no longer be a Health Hazard. The responding department may confer with the Corporation Counsel's office as to the appropriateness of sanctions and injunctive relief. Any disputes between departments on how to proceed shall be resolved by the joint meeting of the departments' oversight committees and if they don't agree, then by action of the county board.



(9) **Remediation.** If funds and other resources are available to do so, the County may remediate a Health Hazard and pursue reimbursement from the person or entity causing the Health Hazard. The county may pursue a public nuisance cause of action to address the Health Hazard. The county may pursue the Health Hazard as a 'human health hazard' in accordance with Wis. Stat. s. 254.59. The county may leave it to one or more citizen or private entity to address the Health Hazard as a private or public nuisance or to pursue other recourse that may be available.

(10) **Sanctions.** Any person or entity that causes or maintains a Health Hazard shall forfeit not less than \$100 and not more than \$5,000 per day. Each day that a violation exists shall constitute a separate offense. The county may also pursue remediation of a Health Hazard and may pursue the action as a public nuisance, if appropriate.

Section 3. This ordinance shall take effect upon its passage and publication.