

CITY OF MANCHESTER CODE OF ORDINANCES CHAPTER 94 - PRIVATE WELLS AND WATER SYSTEMS

94.01 REQUIRED CONDITIONS. Except as hereinafter provided, private wells and water systems shall not be maintained by any individual or property owner, nor shall any new wells be established within the City limits. Private wells and water systems shall be allowed only if one or more of the following conditions are established by the applicant to the satisfaction of the City: 1. Existing Well. The well or water system was in existence prior to October 1, 2002, and duly registered with the City, which registration specified the location of the well, by address and legal description, the name and address of the property owner of the well, the name and address of all individuals using the well, and the address and legal description of all properties serviced by the well. 2. Location. No part of a tract of ground from which a private well or water system is proposed is within 200 feet of a City water main. 3. Undue Hardship. The property owner or individual applying for a private well permit can show that denying the permit and not allowing the private well or water system will cause the individual or property owner undue hardship. Undue hardship in this case means that the particular tract of land is so topographically situated that connection to the City water main system would be unfeasible and that the particular conditions causing the unfeasibility of the connection are in no way caused or contributed to by the property owner or permit applicant. The Council shall rule on all questions of undue hardship and their decision shall be final. 4. Special Circumstances. A well may be allowed where the circumstances of the proposed use of the well, location of the well, and the surrounding circumstances of the proposed use of the well are such that the City Council has determined the granting of a well permit is consistent with protection of public water supplies, maintenance of a public water system, and economic development of the community.

94.02 PERMIT FOR NEW WELL. All individuals who desire to construct or maintain a new private well or water system within the City must first make application to the Building Inspector for a private well permit. The request for permit shall show that the well will be in compliance with the separation distances referred to in Section 93.04 of this Code of Ordinances. In addition, the request shall further indicate why the property should be served by a private water system rather than utilize the public water system provided by the City of Manchester. In determining whether to grant a request for well permit, the City Council shall consider the availability of public water systems to serve the subject properties, the effect the proposed well may have upon future development within the vicinity of the proposed well, and any other reasons which are consistent with public policy. No permit for a new well or water system shall be granted unless one or more of the required conditions under Section 94.01 are established and the well meets all applicable City, County, State and federal rules, regulations and laws.

94.03 ANNUAL RENEWAL OF PERMIT. Every well, including existing wells and future wells, shall be tested annually and results of the tests filed with the City. An individual well owner may cause to have a sample of the well water taken to an authorized testing agency for testing, and a copy of such test results shall be filed with the City. Every well shall be tested annually during the month of September of each year, and the test results shall be filed with the City on or before the first day of October of each year. If a well owner fails to comply with this annual test requirement, the City shall send a notice to the well owner at the last known address, advising the well owner no annual test results have been filed with the City. The notice shall further specify that if the well owner does not properly test the well and file the test results with the City within sixty (60) days after the date of mailing of the notice, the City shall declare the well abandoned, and the owner shall forthwith terminate use of the well as required under Section 94.08 of this chapter. In the event a well owner has timely filed the annual test results with the City or timely filed test results after notice and the test results show compliance with all applicable health and safety standards as required by appropriate City, County and State rules, regulations and laws, the City shall renew the original permit for an additional one-year period.

94.04 NON-RENEWAL OF ANNUAL PERMIT. In the event a well owner receives annual test results that indicate lack of compliance with appropriate City, County and State rules, regulations and laws, the well owner shall immediately advise the City of the test results and immediately correct the problems and bring the well up to applicable standards. The well owner shall have an additional ninety (90) days after October 1 of each year to correct any problems shown by the annual test. If applicable standards cannot be met or if the problems are not timely corrected, no renewal permit shall be issued and the well owner shall forthwith terminate use of the well as required under Section 94.08. **94.05 REVOCATION OF PERMIT.** If at any time it is determined that a private well or water system does not meet applicable City, County or State rules, regulations or laws, the permit issued pursuant to this chapter shall automatically terminate without further notice to the well owner. The well owner shall have ninety (90) days to correct the problems so that applicable standards are met. In the event applicable standards cannot be met, the well shall be abandoned and the well owner shall forthwith terminate use of the well as required by Section 94.08. In the event a private well or water system is not used for any consecutive nine-month period of time, then at the expiration of the current private well permit period, the permit shall not be renewed unless the well owner shows good cause for the non-use and all provisions of this chapter for a new well are complied with.

94.06 HEALTH AND SAFETY STANDARDS; RIGHT OF INSPECTION. All private wells and private water systems for which permits are granted pursuant to this chapter shall meet all applicable City, County and State rules, regulations and laws. All permit holders, as a condition of receiving a permit, grant to the City the right to enter the well owner's property solely to inspect and test any private well and water system maintained upon the permit holder's property. In the event the private well or water system so inspected and tested by the City does not meet applicable standards, the City shall notify the well owner in writing of the failure to meet applicable standards. The well owner shall have ninety (90) days from the date of mailing the notice to correct the problems. If the owner fails to timely correct the problems, the permit issued pursuant to this chapter shall terminate without further notice to the well owner, and the well owner shall forthwith terminate use of the well as required under Section 94.08. In the event a private well or water system cannot be brought up to applicable standards in the time period allowed herein and the well owner is not otherwise connected to the City's water system, the well owner shall connect to the City water system within 180 days in accordance with this Code of Ordinances.

94.07 PERMIT FEES. The following fee schedule applies to permits for private wells and water systems: 1. Initial Permit. No fee is charged for the initial registration permit for an existing well. 2. Annual Renewal Permit. There is no fee for each annual renewal permit, provided the well owner does the test at the owner's own expense. In the event a well owner fails to have the well tested as required pursuant to this chapter and the City makes the test, the costs of testing shall be charged to the well owner, and the well owner shall pay an annual permit fee in an amount set by resolution of the Council. 3. Permit Fees for New Wells. Any person desiring to install a new well or water system shall make application to the Building Inspector for a permit, and prior to start of construction shall pay the following permit fees: A. For a new "sand point" or shallow well, a fee established by resolution of the Council. B. For a new well to be used for a supply of potable water, a fee set by Council resolution; and in addition, the well owner shall file with the City a certificate from the State authorized laboratory that a State bacteriological test has been made on the water and the water supply is potable. All permit fees shall be paid to the City at the time the application is filed. In the event the permit is not granted, the application fee shall be returned to the applicant.

94.08 TERMINATION AND ABANDONMENT. In the event any private well or water system is no longer being used, due to failure to comply with applicable standards, the well owner's connection to the City water system, or other reasons, the well owner or property owner shall cut off the service mains to the well and the well shall be abandoned in such manner to preclude its further use. The termination of use shall be done by the owner in accordance with the standards and guidelines of the Iowa Department of Natural Resources.