

**ORDINANCE NO. 2013-2057**

**AN ORDINANCE ESTABLISHING REGULATIONS REGARDING  
PRIVATE WATER WELLS**

**Statement of Purpose and Intent**

The City of Plymouth currently provides water service within the City limits and remains vitally concerned with continuing to provide a safe and wholesome water supply for its citizens, without risk of contamination from unregulated private water well drilling activity and cross connections with untreated and untested water systems. The City finds that it is in the best interest of its citizens to ensure continued safety and efficacy of municipal water and wastewater treatment systems by permitting water wells to be drilled only in areas suitable for such wells, and to be operated in such a manner as to protect both the municipal water supply and the sanitary sewer system, and to be inspected regularly to verify that compliance with all safety and health regulations is continuing.

The purpose and intent of this ordinance is to implement the proposed regulations of private water wells within the City.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Plymouth, Indiana as follows:

**Section 1.** Title V, entitled Public Works, Chapter 51 entitled Water, in the Code of Ordinances of the City of Plymouth shall be amended by adding the following new sections regarding Private Water Wells:

***PRIVATE WATER WELLS***

**§ 51.90 APPLICABILITY**

For the purposes of this Chapter, “private water well” means any drilled, driven point, dug, bored or jetted well, constructed for the purposes of obtaining groundwater, which is owned by any private person or entity. The regulations regarding private water wells set for in this Chapter do not apply to municipal drinking water wells or any other water wells owned or maintained by the City.

**§ 51.91 PERMITTING OF PRIVATE WATER WELLS**

Private water well permits shall be issued by the Clerk-Treasurer’s Office only after the following conditions have been met:

(A) All private water wells shall be located so that no danger of pollution from flooding or unsanitary surroundings exists; and

**(B) All private water wells shall be located at least 50 feet from any property line of applicant's property; and**

**(C) Any person acting as a private water well driller must hold a license in good standing issued by the Indiana Department of Natural Resources, pursuant to IC 25-39 and 312 IAC 13; and**

**(D) Each proposed private water well, private water well location, and private water well design shall meet each condition established by the Indiana Department of Natural Resources and the Indiana Department of Environmental Management; and**

**(E) Each private water well permit applicant shall first agree, as a part of the Permit Application, to consent to the inspection of the private water well drilling process, and shall additionally consent to annual inspections and testing of the private water well site in addition to all potential cross connection locations with the Plymouth public water system and the Plymouth sanitary sewer system; and**

**(F) Any water to be produced from any private water well drilled within the City limits of Plymouth shall be used exclusively for irrigation and/or agricultural purposes only.**

#### **§ 51.92 EXEMPTION FROM PERMIT REQUIREMENTS**

**A private water well driller or any person maintaining or operating a private water well may seek an exemption from the permit conditions and requirements set forth in § 51.91 by filing a written request for exemption with the Board of Public Works and Safety. Industrial wells which require non-chlorinated/non-fluoridated water for production will be considered for such exemption, as well as any other requests upon good cause shown. The Board of Public Works and Safety shall consider the input or recommendation, if any, of the Utilities Superintendent before reaching its decision with respect to any request for exemption.**

#### **§ 51.93 PREVENTION OF CONTAMINATION OF PUBLIC WATER SUPPLY AND CROSS CONNECTION**

**(A) Each person maintaining or operating a private water well within the City limits shall install and maintain a backflow prevention device acceptable to the Utilities Superintendent of the City of Plymouth on the water line immediately adjacent to any City water meter serving the property upon which such private water well is located in a manner sufficient to prevent contamination to the Plymouth municipal water supply by private well water in the event that the private well system were to be inadvertently cross connected to the City water system. Such device shall be annually inspected and certified in operable condition by a licensed inspector for such purpose and certification provided to the City.**

**(B) It shall be unlawful to cross connect any private water well in the City to any pipe or line intended to or capable of carrying City municipal water.**

**(C) It shall be unlawful to permit water discharged from a private water well in the City to flow into or be diverted into the municipal sanitary sewer system without prior consent of the City. In the event that the City determines that private well water is being discharged into the City sanitary sewer system, the applicant shall be deemed by its application for a private water well permit to have consented to and authorized the City of Plymouth to install a metering device upon the private water well, and shall thereafter pay the regular municipal charges for sewer treatment for all water produced by the private water well. In such event, the applicant shall install a meter and remote read out apparatus upon the private water well at the applicant's expense. The City shall invoice the applicant thereafter for the costs of sewer treatment regularly charged other City residents for all water produced from said well. In the event that the applicant fails to pay said sewer charges in accordance with the regular sewer billing and payment policies of the City, the City may disconnect municipal water service to the applicant's property and may also enter upon the applicant's property and disable the private water well so as to prevent water from being produced therefrom. Responsibility for any damage to the private water well in such event shall remain solely the responsibility of the applicant.**

**(D) Each applicant for a private water well permit shall, as a condition of the permit, authorize each act of the City of Plymouth authorized in this Chapter of the City Code. Each application shall reference the applicable City Code, and the applicant shall be entitled to receive a copy of this Chapter of the City Code at the time of application. The representations and agreements of the applicant shall run with the private water well, and upon the sale or transfer of any property upon which a private water well is located, the transferee shall be required to complete and file with the Clerk-Treasurer an application to transfer private water well permit, by which the transferee of the private water well permit shall agree to be bound to the agreements and authorizations of the original applicant.**

#### **§ 51.94 PERMIT FEES AND INSPECTIONS**

**(A) Each private water well permit application, including applications to transfer private water well permit and written requests for exemption from permit conditions and requirements, shall be accompanied by a fee of \$75.00.**

**(B) The Plymouth Utilities Superintendent or his designee, may conduct an inspection of the premises upon which any private water well is located. Said inspection may be conducted to insure that the private water well is being maintained in a safe and wholesome manner, and that all municipal, state and federal regulations are being met. Said inspection may include, but is not limited to confirmation that no cross connections to either the municipal water system or the**

sanitary sewer system have occurred and a determination that the backflow prevention device or devices are in proper working order.

**§ 51.95 APPLICATION TO EXISTING PRIVATE WATER WELLS**

In order to protect the health and safety of the citizens of Plymouth, the provisions of this Chapter of the City Code shall apply to all existing private water wells.

**§ 51.96 PENALTIES**

A violation of any provision of this Chapter of the City Code shall be punishable by fines in accordance with the general penalty provisions contained in Section 10.99 of the City Code.

**Section 2.** The private water well drilling application form entitled “City of Plymouth Water Well Drilling Permit Application,” a copy of which is attached hereto, is now adopted for use in compliance with the terms of this ordinance.

**Section 3.** This ordinance shall take full force and effect upon passage, due attestation and publication if required by law.

PASSED AND ADOPTED this 29<sup>th</sup> day of April, 2013.

Mark Senter, Presiding Officer

ATTEST:

Toni L. Hutchings, IAMC/CMC/CPFA  
Clerk-Treasurer

Presented by me to the Mayor of the City of Plymouth, Indiana on the 29<sup>th</sup> day of April, 2013, at 6:50 o'clock p.m.

Toni L. Hutchings, IAMC/CMC/CPFA  
Clerk-Treasurer

Approved and signed by me this 29<sup>th</sup> day of April, 2013.

Mark Senter, Mayor