

ORDINANCE NO. 727

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
HAWARDEN IOWA, BY ADDING A NEW CHAPTER REGULATING NON-PUBLIC
WELL OR WATER SUPPLY SYSTEMS WITHIN THE CITY LIMITS OF
HAWARDEN, IOWA.**

WHEREAS, the City of Hawarden sources its drinking water from municipal wells located in the City; and,

WHEREAS, a safe water supply free from contamination is essential to the City's citizens; and,

WHEREAS, non-public water wells are a potential source of groundwater contamination; and

WHEREAS, it is in the best interests of the City and its citizens that potential sources of contamination of the City's water supply be minimized.

NOW THEREFORE BE IT ENACTED by the City Council of Hawarden, Iowa:

SECTION 1. The Code of Ordinances of the City of Hawarden Iowa is amended by adding a new Chapter 93 entitled REGULATION OF NON-PUBLIC WELL OR WATER SUPPLY SYSTEMS WITHIN THE CITY LIMITS as follows:

CHAPTER 93

**REGULATION OF NON-PUBLIC WELL OR WATER SUPPLY SYSTEMS WITHIN
THE CITY LIMITS**

93.01 Non-Public Well Definition.

93.02 Private Water Supply System Definition.

93.03 Limitations on New Non-Public Wells and Water Supply Systems.

93.04 Registration of Existing Non-Public Wells

93.05 Restrictions on Operation of Non-Public Wells and Water Supply Systems

93.01 DEFINITION OF WELL. For purposes of this Chapter a Non-Public Well is a manmade access point, including but not limited to a device or structure, created to access subsurface water which is not a part of a Public Water Supply Systems as defined at 42 USC § 300f(4).. Wells may be bored or drilled (horizontally or vertically) or constructed as a vertical or horizontal shaft.

93.02 DEFINITION OF PRIVATE WATER SUPPLY SYSTEM. For purposes of this Chapter, a system for the provision of water through pipes or other constructed conveyances accessed by means of a well which are not Public Water Supply Systems as defined at 42 USC § 300f(4).

93.03 LIMITATIONS ON NEW NON-PUBLIC WELLS AND WATER SUPPLY SYSTEMS. No non-public well or water supply system shall be installed where a public water supply system is reasonably accessible to the landowner. The determination of accessibility shall be made by the Director of Public Works. Access to a public water supply within 500 feet of the nearest boundary of the property shall be presumed to be within a reasonable distance.

93.04 REGISTRATION OF EXISTING NON-PUBLIC WELLS. Property owners who have an existing non-public well on their property shall contact the Hawarden City Office to disclose the existence of the non-public well and the street address of the property where the non-public well is located within 90 days of the date of publication of this Ordinance. The City Clerk shall maintain a list of all non-public wells and their location.

93.05 RESTRICTIONS ON OPERATION OF NON-PUBLIC WELLS AND WATER SUPPLY SYSTEMS. A non-public well or water supply system shall not be connected nor operated in a manner which will create the possibility of cross contamination of a public water system.

SECTION 2. All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and Approved this 28th day of October 2020.

Richard R. Porter

Ricard R. Porter, Mayor

ATTEST:

Michael DeBruin

Michael DeBruin, City Clerk

First Reading: September 23, 2020

Second Reading: October 14, 2020

Third Reading: October 28, 2020

I hereby certify that the foregoing Ordinance No. 727 was published in the Hawarden Independent, a newspaper printed and published and has a circulation in the City of Hawarden, Iowa on the 29th day of October, 2020.

Michael DeBruin

Michael DeBruin, City Administrator/Clerk