

ORDINANCE OF THE VILLAGE OF BEAVERDAM, ALLEN COUNTY, OHIO

ORDINANCE NO. 2017-30 PASSED October     , 2017

AMENDED ORDINANCE REGARDING  
WELLS, PONDS, CISTERNS, AND OTHER WATER  
PRODUCTION AND RETENTION FACILITIES  
AND TO DECLARE AN EMERGENCY

Whereas, Council declares this to be an emergency enactment necessary to protect the quantity and quality of water entering the sanitary sewer system, protect the integrity of the Village water system and to protect the water table from which the Village draws its water.

Whereas, it is in the best interests of the Village that the above ordinance be enacted.

Be it ordained by Council of the Village of Beaverdam, County of Allen, State of Ohio, to-wit:

SECTION I. No person, firm, corporation or other entity, whether private or commercial, shall construct or install or have constructed or installed, maintain, use or operate any water well, pond, cistern, or other water production or retention facility within the Village of Beaverdam unless a permit therefore has first been

obtained with approval of the Village Council and Village Administrator, except as provided herein.

SECTION II. The construction of water wells, ponds, cisterns, and other water production and retention facilities, and their maintenance, use or operation shall be allowed only upon the issuance of a permit for the following purposes, provided they are constructed or installed solely for that purpose and for no other use or purpose:

- a. Fire Suppression;
- b. Control of storm water runoff;
- c. Agricultural or private watering of grass, crops or other growing matter;
- d. Agricultural or private watering of any allowed animals or stock;
- e. Purely aesthetic or recreational purposes;
- f. Where the facility is required by county, state or federal laws, rules or regulation;
- g. Or other uses as approved by the Village Administrator.

so long as no portion of the water retained or produced shall be allowed to enter the sanitary sewer system of the Village, and it in no way affects the Water or Sanitary Sewer Systems of the Village.

SECTION III. Where it is deemed necessary by the Village Administrator or the Village Council, as a condition precedent to the maintenance or use of any existing, or the installation of any new water well, pond, cistern, or other water production or retention facility, the Village may require the owner of the property or the party using, maintaining, constructing or installing the well, pond, cistern, or water production or retention facility, to install a

discharge meter upon any and all connections to the Village's sanitary sewer or take any other action deemed necessary, at the expense of the owner or one constructing or installing the water well, pond, cistern or other water production or retention facility.

SECTION IV. This ordinance shall not replace any similar ordinances now in place, or enacted in the future, placing additional restrictions or requirements upon any person or entity which owned, constructed, or installed a water well, pond, cistern, or other water production or retention facility previous to or subsequent to and consistent with this ordinance, including but not limited to requirements for the separation of private and public water sources, for the protection of the public water and sewer systems, or nuisance.

If permission is granted by the Village to install, use or maintain a well, pond, cistern or other water production or retention facility, the owner is responsible for obtaining all necessary approvals, waivers or releases required by State, Federal or local entities which have jurisdiction over any aspects regarding wells, ponds, cisterns or other water production or retention facilities. Also, approval of these plans does not constitute an assurance that the well has been or will be designed or constructed or operated in compliance with all Ohio and Federal or local laws, ordinances or regulations.

SECTION V. Any person or entity using water from a private well, pond, cistern or other water production or retention facility, in compliance with all Village ordinances and other governmental rules and regulations whether local, state or federal, at the time of enactment of the original Ordinance No. 98-22, shall be grandfathered and shall be entitled to the use of the subject facility. However, any such person or entity shall be required to register their private well, pond, cistern or other water production or retention facility with the Village Administrator, establish its pre-existing and current usage at the time of enactment and demonstrate its compliance with all applicable Village, County, State and Federal rules and regulations, including those contained herein.

Once the use of any pre-existing, registered private well, pond, cistern or other water production or retention facility is discontinued for a period of six (6) months, or if there is any transfer of any ownership interest in the real estate where the well, pond, cistern or other water production or retention facility is located, its grandfathered status shall terminate and its use must comply with Sections I through IV or is punishable as provided in Section VI.

SECTION VI. Any well, pond, cistern or other water production or retention facility found not to be in compliance with this ordinance and not properly abandoned by the owner, is subject to

being capped, backfilled or removed by the Village or its agent. All such actions shall be done in accordance with federal, state and local rules and regulations and shall be completed at the owner's expense. Anyone found guilty of violating this ordinance, as a minor misdemeanor, may be fined an amount not to exceed \$500.00, may be assessed the cost of installing a discharge meter or meters upon connections to the Village sanitary sewer, or the cost of other actions deemed necessary by the Village Council or the Village Administrator for the protection of the public water or sanitary sewer system. The Village, through its personnel or contractors or subcontractors, shall be authorized to take such action as is deemed necessary for the protection of the Village's utility systems and fixtures, including but not limited to, disconnection of, capping, and securing access to the Village Sanitary Sewer System.

A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Vote: \_\_\_\_\_ Yes \_\_\_\_\_ No

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Annie Palte, Fiscal Officer

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Pamela LePine, Acting Mayor