

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

ORDINANCE NUMBER 436

AN ORDINANCE REGULATING THE ESTABLISHMENT OF PRIVATE WELLS

TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE, THE CITY COUNCIL OF THE CITY OF FOLEY HEREBY ORDAINS AS FOLLOWS:

**SECTION 1. CITY CODE REVISIONS**

The following language is adopted and shall be incorporated into a new Section 315 below.

SECTION 315 – Regulating the Establishment of Private Wells

SECTION 315:00. PRIVATE WELLS UNLAWFUL

Subd. 1. It shall be unlawful for any person to install a new private well, regardless of the amount of water intended to be withdrawn from such well, on any lot within the City of Foley Drinking Water Supply Management Area (DWSMA) as identified in **Exhibit A**, that has reasonable access to city water service. New private wells may be allowed on lots without reasonable access to city water service upon proof that a permit for such well has been issued by the Minnesota Department of Health. For such purposes, a lot within 150 feet of the city water system shall be deemed to have reasonable access to water service.

Subd. 2. No building or occupancy permit will be issued for new construction on a lot with access to city water service until such service is connected, or assurance of such connection is provided to the city council's satisfaction.

Subd. 3. Existing private wells within the City of Foley DWSMA and on property with reasonable access to the city water system which are not used solely for ground irrigation or livestock watering or other use approved by the city shall be sealed at the property owner's expense in accordance with Minnesota Department of Health requirements. All existing wells must be equipped with backflow protection.

Subd. 4. No pipe or other facilities of the city water system shall be connected with any private pump, well, or tank receiving water from any source other than the city system.

Section 315:04. PENALTY: Any violation of this Ordinance shall be considered a misdemeanor punishable by the misdemeanor fines and penalties set forth in Minnesota Statute Section 609.02, Subdivision 3, as may be amended from time to time.

Section 315:08. PRIOR ORDINANCES CONTINUED: Any other City of Foley ordinances regulating the city water system shall remain in full force and effect.

**SECTION 2. EFFECTIVE DATE.**

This ordinance shall become effective publication.

**SECTION 3. SUMMARY PUBLICATION**

At least four-fifths of the City Council's members direct the Administrator to publish only the title and summary of this Ordinance as follows:

“AN ORDINANCE REGULATING THE ESTABLISHMENT OF PRIVATE WELLS. It is the intent and effect of this Ordinance to regulate the establishment of private wells with the Drinking Water Supply Management Area of the City of Foley.”

ADOPTED this 10<sup>th</sup> day of July, 2018.

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Gerard L. Bettendorf, Mayor

ATTEST:

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Sarah A. Brunn, City Administrator

# Exhibit A

## Drinking Water Supply Management Area (DWSMA)

### Vulnerability – City of Foley

