

CHAPTER 94A

PRIVATE WATER WELLS

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94A.01 SCOPE. The provisions of this chapter shall apply to all private water wells located or to be constructed within the City of Carlisle, Iowa, including but not limited to, new construction and modification of existing wells.

94A.02 PERMIT REQUIRED. No person shall construct a private well in the City of Carlisle, Iowa or own/use a well-constructed after the effective date of this provision, unless a permit has been issued for the well by the Carlisle City Administrator. This permit shall be in addition to any permits required by the State or County. This requirement shall not apply to monitoring wells used for soil and groundwater investigation.

94A.03 REGISTRATION OF PRE-EXISTING WELLS. Any person who owns property in the City of Carlisle, Iowa, which has a well, other than a monitoring well, which was constructed prior to the effective date of the Ordinance codified by this Chapter, shall register said well with the City of Carlisle. Registration forms for this may be obtained from the City of Carlisle or from the City Clerk's office. There will be no fee charged for the registration of a pre-existing well.

94A.04 PERMIT PROCESS.

1. Any person desiring a well permit shall make application to the City of Carlisle on the form prescribed by the City of Carlisle. The City of Carlisle shall determine the necessary information, date and testing required for the issuance of the permit.
2. In determining whether to issue a permit or not, the City of Carlisle shall consider the availability of public water to serve the real property, building or facility, the estimated amount of water to be consumed, possible contamination of the water, and the purpose for which the water will be used. The applicant shall be required to have an environmental assessment completed to determine if there are known sources of contamination within five hundred (500) feet of the proposed site.
3. If the property, building or facility to be served is located within two hundred (200) feet of the public water, the City of Carlisle shall automatically deny the permit, and the applicant shall be required to use the public water system.
4. If the City of Carlisle determines that the water is in an area of contamination or is otherwise unfit, the City of Carlisle may deny the permit or make such limitations as to the use of the water from said private well as are necessary to protect life and property. In determining what the actual area of contamination is, the City of Carlisle shall consider current levels and areas of contamination, as well as where the contamination might reasonably be expected to expand to the foreseeable future.

5. The application shall not be deemed complete until all information, data and testing results required by the City of Carlisle have been submitted to the City of Carlisle for consideration and required fee paid in full.
6. The City of Carlisle shall rule upon the permit application within thirty (30) working days of the submitting of the completed application. The City of Carlisle may, upon good cause, extend said period for approval of the application an additional thirty (30) working days by issuing a written notice to the applicant. Any application that is not acted upon in a timely manner by the City of Carlisle shall be deemed to have been denied upon the expiration of time provided by this section.
7. The applicant may appeal the decision of the City of Carlisle to the Carlisle City Council by filing a written notice of appeal with the City of Carlisle within ten (10) business days of the decision. The Carlisle City Council shall meet to determine the appeal within forty five (45) days of the date the appeal is filed.
8. The applicant shall pay an application fee in the amount set by resolution of the Council.
9. All required testing and collection of information and data shall be at the applicant's expense.

94A.05 PENALTY. Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of Chapter 4 of the Carlisle City Code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the City Attorney, a violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of Chapter 4, Section 4 in lieu of criminal prosecution.

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