**Prohibiting Private Wells, LMC Model Ordinance**

*League models are thoughtfully developed by our staff for a city’s consideration. Models should be customized as appropriate for an individual city’s circumstances in consultation with the city’s attorney. Helpful background information on this model may be found in* [*“Securing Payment of Utility Charges.”*](https://www.lmc.org/resources/securing-payment-of-utility-charges/)

**ORDINANCE NO.** **\_\_\_\_\_**

**AN ORDINANCE PROHIBITING PRIVATE WELLS FOR DOMESTIC USE ON PROPERTIES WITHIN THE CITY SERVED BY THE CITY WATER SYSTEM.**

The City Council of the City of \_\_\_\_\_ finds that it is necessary, to protect the integrity of the City Water Utility and to ensure adequate water supplies to meet the health, safety and welfare needs of the City and its residents, to prohibit the use of private wells for domestic use on properties served by the City water system.

**The City Council of \_\_\_\_\_, Minnesota ordains:**

That Chapter \_\_\_\_\_ of the \_\_\_\_\_ City Code of Ordinances shall be amended to add new Section \_\_\_\_\_ as follows:

 **Section 1.** Definitions:

**Domestic use** means water used for drinking or potable water, non-potable water or irrigation purposes, but shall not include water from wells drilled for such purposes as dewatering, groundwater monitoring, heating or cooling, elevator borings or environmental bore holes.

**Irrigate** means to supply (land) with water by any artificial means, as by diverting streams, flooding, or spraying, to moisten or wet.

**Private Wells for Domestic Use** means any well not owned by the City Water Utility which is drilled for potable water, non-potable water or irrigation purposes including sand point or drive point wells. “Private Wells for Domestic Use” shall not include wells drilled for such purposes as dewatering, groundwater monitoring, heating or cooling, elevator borings or environmental bore holes.

**Sand point or drive point well** means a shallow well that is a 1-1/4 to 2-inch steel casing constructed by driving or pounding the casing down into the ground until an aquifer is encountered.

 **Section 2**: Private Wells for Domestic Use.

The drilling of new private wells for domestic use on any property to which City Water Utility Service is available within 1,000 feet is prohibited.

 **Section 3:** That this Ordinance shall take effect upon adoption.

Passed by the City Council of \_\_\_\_\_\_\_, Minnesota this \_\_\_\_\_ day of Month, Year.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

Attested:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk