

Washington County, Minnesota Ordinances

Ordinance No. 87 Water Well Sealing Ordinance

Date Approved: 08/13/1991

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The Board of Commissioners of Washington County Ordains:

Section I. Purpose

Minnesota Statutes Section 145A.04 provides that a county board of health has the powers and duties of a board of health for all the territory within its jurisdiction, not under the jurisdiction of a city board of health. The territory defined in this ordinance is not under the jurisdiction of a city board of health.

Minn. Stat. 145A.05, subd. 7 authorizes a county board to adopt ordinances to define public health nuisances and provide further prevention or abatement.

Section II. Administration

This ordinance shall be administered by the Washington County Public Health Department. All the applicable provisions of Washington County Administrative Ordinance No. 36 shall apply to the administration of this ordinance.

Section III. Definition

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The definitions of terms provided in Minn. Stat. Chpt. 145A are adopted by reference. The following terms shall also apply to this ordinance:

A. County

shall mean Washington County, Minnesota

B. Owner

shall mean any person having a legal possessory interest in real property, including but not limited to mortgagee in possession, contract for deed vendee.

C. Premises

shall mean a platted lot or part thereof or an unplatted parcel or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure, or other structure thereon.

D. Area or Area subject to this ordinance or Area defined in this ordinance

shall mean those premises located within the following described legal description:

A parcel of land located in Sections 10, 15, 16, Township 29 North, Range 21 West, City of Lake Elmo, Washington County Minnesota, described as follows:

8969 36 th Street N	Lake Elmo, Minnesota
9033 Jamaca Court N	Lake Elmo, Minnesota
9038 Jamaca Court N	Lake Elmo, Minnesota
9055 Jamaca Court N	Lake Elmo, Minnesota
9060 Jamaca Court N	Lake Elmo, Minnesota
9089 Jamaca Court N	Lake Elmo, Minnesota
9090 Jamaca Court N	Lake Elmo, Minnesota
9110 Jamaca Court N	Lake Elmo, Minnesota
9115 Jamaca Court N	Lake Elmo, Minnesota
9130 Jamaca Court N	Lake Elmo, Minnesota
9150 Jamaca Court N	Lake Elmo, Minnesota
9165 Jamaca Court N	Lake Elmo, Minnesota
9170 Jamaca Court N	Lake Elmo, Minnesota
9179 Jamaca Court N	Lake Elmo, Minnesota
9186 Jamaca Court N	Lake Elmo, Minnesota
9250 Stillwater Blvd. N	Lake Elmo, Minnesota
9280 Stillwater Blvd. N	Lake Elmo, Minnesota
9302 Stillwater Blvd. N	Lake Elmo, Minnesota
9340 Stillwater Blvd. N	Lake Elmo, Minnesota
9402 Stillwater Blvd. N	Lake Elmo, Minnesota

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9422 Stillwater Blvd. N	Lake Elmo, Minnesota
9434 Stillwater Blvd. N	Lake Elmo, Minnesota
9492 Stillwater Blvd. N	Lake Elmo, Minnesota
9498 Stillwater Blvd. N	Lake Elmo, Minnesota
undeveloped parcel #4950	Lake Elmo, Minnesota

Section IV. Public Health Nuisance

The Washington County Board of Commissioners find and declares that water wells located in the area defined in this ordinance are located down gradient from the Washington County Sanitary Landfill No. 1. This sanitary landfill has leached contaminants into the groundwater system supplying these wells. The presence of these wells within the groundwater system exposes well water users to contaminants. In addition, these wells provide underground conduits allowing contaminants to flow within the areas not presently affected. Due to the threat of exposure and spread of contaminants, the water wells serving the premises in the area described in this ordinance are hereby declared to be a public health nuisance pursuant to Minn. Stat. 145A.05, subd. 7. Monitoring wells and wells designed to pump groundwater for treatment to remove contaminants are not part of this declaration of nuisance.

Section V. Requirement for Sealing

Water wells declared to be a public health nuisance pursuant to this ordinance shall be sealed in accordance with the Minnesota Water Well Construction Code, Minnesota Rules Chapter 4725 *et seq.*, which rules are incorporated herein by reference. Sealing of these wells shall be accomplished in conjunction with the installation of a public water system by the City of Lake Elmo at no cost to the owners per the Agreement between Washington, Ramsey County, City of Lake Elmo and City of Oakdale, dated June 26, 1990.

Section VI. Enforcement

In the event an owner does not allow access for well sealing, as required by this ordinance, this ordinance shall be enforced pursuant to the provisions of Minn. Stat. 115A.04, subd. 7-10, provided, however, that only the costs of enforcement and not the cost of well sealing shall be assessed against the premises pursuant to Minn. Stat. 145A.08.

Section VII. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of the ordinance are severable.

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Passed by the Washington County Board of Commissioners this 13th day of August, 1991.

Donald G. Scheel, Chairman
Board of County Commissioners

Attest:
Virginia Erdahl

Approved as to form and legality:
H. R. Turrentine, Assistant County Attorney
