

**ORDINANCE NO. 939**

AN ORDINANCE PROHIBITING PRIVATE WATER WELLS WITHIN THE CITY OF  
WILLISTON, PROVIDING EXCEPTIONS FOR CURRENT WATER WELLS, AND  
PROVIDING PENALTIES FOR VIOLATIONS.

THE CITY OF WILLISTON ORDAINS:

**Section 1     Definition.** As used in this Ordinance,

“Construction site dewatering” means temporary removal of ground water from an excavating site.

“Owner” means the person holding the legal or equitable title to real property or a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee or any other person, firm or corporation directly or indirectly in control of a building, structure or real property or his duly authorized agent.

“Person” means any individual, partnership, corporation, limited liability company, association, organization, or other legal entity.

“City” means the City of Williston, North Dakota.

“City water service” means the water supplied by the City of Williston.

“Water main” means a pipe owned or controlled by the City located within the street right-of-way or other public easement used to carry water within the City water service system to the water customer.

“Water well” means a hole drilled or bored into the earth for the purpose of removing water through mechanical or not mechanical means.

**Section 2     Private Water Well Prohibited.**

Except as provided in Section 3, no person shall install, construct, develop, maintain or use a water well within the City of Williston.

**Section 3     Permitted Water Wells.** The following water wells are permitted within the City, under the terms and conditions specified:

- A.     A water well used solely for the purpose of construction site dewatering or for conducting response activities, including sampling or treatment of the groundwater, under a plan approved and permits issued by the State of North Dakota.

- B. A water well lawfully in existence at the time of the enactment of this ordinance, provided, however, the size of such water well shall not be expanded.
- C. A well used for geothermal purposes.

**Section 4 Violations.**

Any person who violates any provision of this Ordinance or who violates and provision of a license issued under the provisions of the Ordinance shall be subject to a fine of not more than Five Hundred and 00/000 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

**Section 5 Enforcement Officials.**

City officials designated by resolution of the Board of City Commissioners are hereby designated as the authorized City officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

**Section 6 Nuisance.**

A violation of this Ordinance is hereby declared to be a nuisance and is declared to be offensive to the public health, safety and welfare.

**Section 7 Civil Remedies.**

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the City may initiate proceedings to abate or eliminate the nuisance or any other violation of this Ordinance.

**Section 8 Effective Date.**

This Ordinance shall become effective twenty (20) days after its enactment.

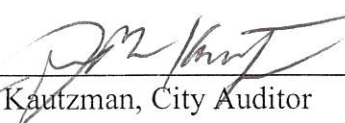
PASSED FIRST READING: July 12, 2011

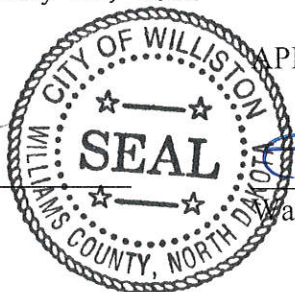
PASSED SECOND READING: JULY 26, 2011

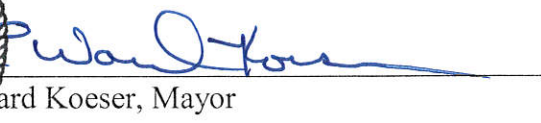
PUBLISHED: January 10, 2012

ATTEST:

APPROVED:

  
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 John Kautzman, City Auditor



  
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 Edward Koeser, Mayor