

AMENDMENT NO. 26 - 09 -

**TOWN OF ROME, ADAMS COUNTY, WISCONSIN
AN ORDINANCE AMENDING SECTION 360 OF THE ZONING CODE ENTITLED
"WELLHEAD PROTECTION DISTRICT"**

The Town Board of the Town of Rome, Adams County, Wisconsin, do ordain as follows:

SECTION 1: Section 360 of the Zoning Code of the Town of Rome, Adams County, Wisconsin entitled Wellhead Protection District is hereby amended as set forth on the attached Exhibit A.

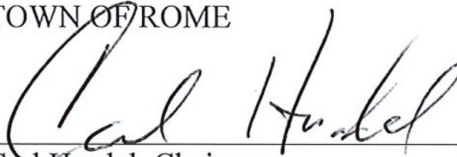
SECTION 2: If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is found invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 3: All Ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This Ordinance shall take effect and be in full force and effect from and after its passage and publication or posting as required by law.

Adopted this 18 day of April, 2026.

TOWN OF ROME



Carl Hasdal, Chairman

ATTEST:



Wendy Newsom, Clerk

Adopted: 6/18/26
Published: 6/19/26

§ 360-151. Purpose & Authority.

This district is intended to protect from contamination the groundwater recharge zone of the Town's existing and planned groundwater wells that serve a public water system, which wells supply potable water to many residential, businesses, institutional, and other customers. This district is necessary because the wells by geological necessity must draw water from the ground levels lying closest to the surface, which grounds contain soil types that rapidly transmit pollutants, thereby threatening the entire groundwater supply being drawn upon by the wellhead. Accordingly, the purpose of this Ordinance is to institute land use regulations that protect the public water system(s) and well field(s), as well as protect and promote the public health, safety and general welfare of the residents of the Town. This Ordinance is adopted under and pursuant to the authority of Wis. Stats. §§ 60.61(1), (2)(g), and 60.62.

§ 360-152. Application.

1. The regulations specified in this Wellhead Protection Overlay District shall apply within the Town corporate boundary limits and within the area surrounding any groundwater well that serves a public water system that has been designated as a "Wellhead Protection Area" in a wellhead protection plan as defined by Wis. Adm. Code § NR811.12(6). The regulations herein are in addition to the requirements in the underlying zoning district.
2. Any public water system as defined in Wis. Adm. Code § NR 811.02(56) within the Town of Rome may request that the Town include the wellhead protection area for its water system to be included in this ordinance and added to the official zoning map. A request must be made in writing to the Town Board and include a copy of a wellhead protection plan that meets the requirements of Wis. Adm. Code § NR 811.12(6) and includes a wellhead protection area map. Subject to the approval of the Town Board, the wellhead protection area for the public water system may then be added to the wellhead protection district on the town's official zoning map.

§ 360-153. Supremacy of district.

The regulations of an overlay district will apply in addition to all other regulations which apply to the same geographic area. The provisions of any zoning districts that underlay this overlay district will apply except when the provisions of this district are more stringent.

§ 360-154. Permitted uses by right.

A. The following uses are permitted uses within this overlay district.

1. Parks, provided there is no on-site waste disposal or fuel storage tank facility associated with the use.
2. Playgrounds.
3. Wildlife areas.
4. Non-motorized trails, such as bike, skiing, nature and fitness trails.

5. All uses permitted in the underlying zoning district or other overlay districts are permitted, subject to review and approval of the building, site and operational plans of such use(s) by the Plan Commission, whether required or not by the underlying and other overlay districts. Residential accessory structures shall be exempt from Plan Commission review and approval
- B. Setback requirements. The following uses, if permitted by the underlying zoning district, are allowed conditioned upon satisfaction of the following setback standards found in Wis. Adm. Code § NR811.12(5)(d):
 1. Ten feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of Wis. Adm. Code § [ATCP 93.260](#) and receive written approval from the department of safety and professional services or its designated Local Program Operator under Wis. Adm. Code § [ATCP 93.110](#).
 2. Fifty feet (50') between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.
 3. Two hundred feet (200') between a well field and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two family residential heating fuel oil underground storage tank or above ground storage tank or private onsite wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.
 4. Three hundred feet (300') between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of Wis. Adm. Code § ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under Wis. Adm. Code § ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
 5. Three hundred feet (300') between a well field and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of Wis. Adm. Code § ATCP 93.260, and receive written approval from the department of commerce or its designated Local Program Operator under Wis. Adm. Code § ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

6. Four hundred feet (400') between a well field and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.
7. Six hundred feet (600') between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of Wis. Adm. Code § ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under Wis. Adm. Code § ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
8. One thousand feet (1000') between a well field and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under state administrative regulations while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.
9. Twelve hundred feet (1,200') between a well field and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Wis. Adm Code Ch. [NR 140](#) enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the department of safety and professional services or its designated Local Program Operator under Wis. Adm. Code § ATCP 93.110, for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

§ 360-155. Uses permitted by conditional use permit.

A. The following uses may be permitted on a case-by-case basis, after consideration of providing adequate groundwater protection and monitoring measures, as recommended by the Plan Commission and Rome Water Utility and determined by the Town Board as set forth herein. In considering the grant of a conditional use permit, special emphasis shall be given to whether the conditional use negatively impacts the public health, safety, and welfare of the community. a proposed Conditional Use shall be denied unless the Applicant can demonstrate, to the satisfaction of the Town that the proposed Conditional Use will not create undesirable impacts on public water system(s) and well field(s).

4. Cemeteries

§ 360-156

§ 360-6

5. Garages for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding if not on municipal sewer and water systems
- 6.
- 7.
8. Motor and machinery service and assembly shops if not on municipal water and sewer systems
9. Salt storage
- 10.
- 11.
12. Woodworking, wood products manufacturing and wood finishing

B. Prior to consideration of the requested permit, the Town Board shall forward the application for a permit to the Plan Commission and the Rome Water Utility for review and recommendation as to approval or disapproval, together with reasons for such recommendation and conditions of approval, if any. The Plan Commission and Rome Water Utility shall have 60 days in which to make such recommendation. Failure to make such recommendation to the Board within the time frame established, unless extended by agreement of the Commission, Utility and applicant, shall be deemed a negative recommendation to the Town Board.

C. Within 40 days of the receipt of the recommendations of the Plan Commission and Rome Water Utility, the Plan Commission shall hold a public hearing on the request.

D. Within 30 days of receipt of the recommendations of the Plan Commission and Water Utility, the Town Board shall approve, approve with amendments, or disapprove the application. The Town Board shall not approve the application unless it determines, by clear and convincing evidence, that the proposed use will not be contrary to the interests of public health and safety and that all applicable state and local standards [including setback requirements set forth in Wis. Adm. Code § NR 811.12(5)(d)] have been satisfied.

§ 360-156. Prohibited uses.

Any use or activity not permitted or conditionally granted as identified hereinabove is prohibited. This method of regulation is employed to provide the greatest assurance that inadvertent discharge of pollutants into the groundwater supply will not occur, since groundwater cleanup is often prohibitively expensive, and liability for such cleanup is often difficult or impossible to establish.

§ 360-157. Exemptions & Waivers.

- A. Individuals and/or facilities may request the Town in writing, to permit additional land uses in the District.
- B. All requests shall be in writing, in substantial compliance with forms to be provided by the Town and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the Town and/or designee(s) for recommendation and final decision by the Town Board.

§ 360-156

§ 360-7

- C. The individual/facility shall reimburse the Town for all consultant fees associated with this review at the invoiced amount plus administrative costs.
- D. Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or securities satisfactory to the Town.

§ 360-158. Existing Facilities.

- A. Existing facilities shall provide additional copies of all federal, state and local facility operation approvals or certificate and on-going environmental monitoring results to the Town.
- B. Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Town, which may include but is not limited to stormwater runoff management and monitoring.
- C. Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- D. Existing facilities shall have the responsibility of devising and filing with the Town a contingency plan satisfactory of the Town for the immediate notification of Town officials in the event of an emergency.

§ 360-159. Penalties & Enforcement.

- A. In the event that an individual and/or facility causes the release of any contaminants which endanger the District, the individual and/or facility causing said release shall immediately stop the release and clean up the release to the satisfaction of the Town.
- B. The individual/facility shall be responsible for all costs of cleanup, including all of the following:
 - 1. Town consultant fees at the invoice amount plus administrative costs for oversight, review and documentation.
 - 2. The cost of Town employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Town representing the Town's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
 - 3. The cost of Town equipment employed.
 - 4. The cost of mileage reimbursed to Town employees attributed to the cleanup.
- C. Following any such discharge the Town may require additional test monitoring and/or bonds/securities.
- D. Penalties and enforcement for violations of this Ordinance or shall be as provided in § 1-5 of the Town of Rome General Code of Ordinances.