

City of Dyersburg's Well Ordinance

AN ORDINANCE OF THE BOARD OF MAYOR AND COUNCILMEN OF THE CITY OF DYERSBURG, TENNESSEE, PERTAINING THE PROVISION OF MUNICIPAL WATER SERVICES, PROHIBITING THE CONSTRUCTION OF PRIVATELY OWNED WELLS AND SPRINGS, AND PROHIBITING THE KEEPING OF DANGEROUS OR OFFENSIVE POOLS OR PONDS.

WHEREAS, the Dyersburg Board of Mayor and Alderman has determined proliferation of privately-owned water wells within the community constitutes a nuisance and is detrimental to the safety of the municipal waterworks system and its customers; and,

WHEREAS, Section 16, paragraph 8 of the Dyersburg Private Act Charter stipulates the Board of Mayor and Alderman shall have the authority to make regulations to promote and secure the general health, safety, and welfare of the inhabitants of the City and to prevent and remove nuisances.

NOW, THEREFORE, BE IT ORDAINED BY THE DYERSBURG BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

1. **Use of municipal water required.** Every dwelling, house, apartment, and commercial or industrial structure located within the City of Dyersburg must be supplied with municipal water service, provided there is a municipal water main in the front, rear, or on either side of such premises.
2. **Use of wells or springs prohibited.** It shall be unlawful for any person located on any premises where there is provided a water main in the front, rear, or on either side of such premises, to use water from wells or springs if such premises are open to the general public, or if the general public is invited upon such premises.
3. **Digging of new wells prohibited.** It shall hereafter be unlawful for any person to dig a well upon any premises within the City of Dyersburg.
4. **Inspection of springs and wells.** The Water Plant and Distribution Superintendents are hereby authorized and directed to have the Tennessee Department of Health and/or the Tennessee Department of Environment and Conservation (TDEC) inspect and examine all springs and wells which they have reason to believe are polluted, unhealthy, unsanitary, and carrying in their waters the germs of infectious and contagious diseases, and also to make or have made an analysis of the water thereof for the purpose of ascertaining their sanitary condition.
5. **Condemnation and abatement of unsanitary springs or wells.** If, as a result of such examination, inspection, and analysis, provided for in Section 4 of this Ordinance, the Dyersburg Water Treatment Plant Supervisor or the Tennessee Department of Health or the Tennessee Department of Environment and Conservation (TDEC) ascertains that any spring or well is unsanitary, unhealthy, or infected with the germs of contagious and infectious diseases, the Water Treatment Plant Supervisor shall at once condemn such spring or well as a public nuisance, and shall post a notice on or near thereto stating that such source of water supply has been condemned as unsanitary and dangerous, and shall at once serve written notice upon the owner of such well or spring, if he be a resident of the City of Dyersburg, to abate such nuisance within ten (10) days by permanently closing

such well or spring and so abating it as to render the taking of water there from impossible. If the owner resides outside the city, the Water Treatment Plant Superintendent shall give him such notice in writing as above provided by registered mail. Should the owner thereof be unknown, and his identity cannot be established by diligent inquiry, a suitable notice shall be published in a newspaper having general circulation in they city, requiring the unknown owner of such spring or well to close and obstruct such spring or well and abate such spring or well within ten (10) days from the date of publication of such notice.

6. **Failure to abate nuisance.** Any owner of a spring or well who fails to comply with abatement notice as provided herein with in (10) days from the receipt thereof by closing and obstructing such spring or well and abating such nuisance to the public health shall be subject to a fine in the Dyersburg Municipal Court of fifty dollars (\$50.00) for each day such nuisance continues to exist. Additionally, the City of Dyersburg may seek civil remedies for any damages to the public water supply that are caused by said nuisance.
7. **City abatement of nuisance.** If any owner of a spring or well shall fail to close and obstruct such well or spring and abate such nuisance after expiration of ten (10) days from the receipt of such aforesaid notice, or the making of said publication for an unknown owner, it shall then be the duty of the chief of police, upon request of the mayor, to abate, obstruct, and close up such well or spring so as to prevent persons from obtaining and using water there from, and the costs and expenses of such closing shall be chargeable to the owner of such well or spring and shall be payable to the City of Dyersburg on demand.
8. **Offensive or dangerous pools or ponds.** Every pool, pond, or other place within the limits of the city which shall be offensive or dangerous to health is hereby declared to be a public nuisance and may be abated at the cost of the property owner unless renovated, cleaned, or purified within three (3) days of notification by the Water Treatment Plant Superintendent.
9. **Wellhead protection.** The City of Dyersburg hereby adopts TDEC Rule No. 1200-5-1-.34 (attached as "Exhibit A") as its official wellhead protection policy.

This well ordinance was passed and approved May 2006.