

ORDINANCE Number: 26-06-034

Committee: JUDICIARY AND ANNEXATION

AN ORDINANCE ADOPTING SECTION 150.41 PRIVATE WELLS TO THE CITY OF VAN WERT CODE OF ORDINANCES

The Van Wert City Council Met in Regular session to address the issue of private wells located in the City of Van Wert.

WHEREAS, the City of Van Wert has the duty to regulate the drilling of private wells in the City of Van Wert as part of its zoning authority.

WHEREAS, the City of Van Wert, Ohio, believes that adopting legislation on the drilling of private wells in the City of Van Wert is an appropriate use of its authority as set out in the proposed new statute proposed as Section 150.41 titled “Private Wells” attached hereto as Exhibit A.

NOW THEREFORE, be it resolved:

- I. That the City Council for Van Wert, Ohio adopt proposed Section 150.41 titled “Private Wells” to the City of Van Wert, Ohio Code of Ordinances.

Passed: _____, 2026,

Thad R. Eikenbary, President of Council

Attest: _____
Stephanie R. Phillips, Clerk of Council

Kenneth J. Markward, Mayor

EXHIBIT A

Section 150.41 – Private Wells

(A) Definitions

- (1) Private Well means any well, borehole, or excavation constructed for the purpose of withdrawing groundwater for domestic, commercial, industrial, irrigation, or other private use, whether potable or non-potable, and not owned or operated by the City of Van Wert.
 - (a) The term includes new wells, replacement wells, and existing active wells.
 - (b) The term does not include environmental monitoring wells, geothermal closed-loop wells, construction dewatering wells, test wells, temporary emergency wells, or city-owned wells installed for public-purpose infrastructure.
- (B) No new private wells shall be permitted use within the City of Van Wert through all zoning classifications. All new private wells shall be considered conditional use in all zoning classifications and shall require approval pursuant to the City's conditional-use procedures.
- (C) EXCEPTIONS: The following types of wells shall be permitted without conditional-use approval when compliant with all applicable state and federal regulations:
 - (1) **Environmental Monitoring Wells:** Wells installed for groundwater sampling, environmental assessment, remediation, or other activities required or authorized by the Ohio Environmental Protection Agency (EPA), the Ohio Department of Natural Resources (ODNR), or the United States Environmental Protection Agency.
 - (2) **Geothermal Closed Loop Wells:** Closed-loop geothermal boreholes that do not withdraw groundwater and are used solely for heating or cooling purposes.
 - (3) **Temporary Emergency Wells:** Temporary wells installed for emergency water supply, fire suppression, construction, dewatering, or other short-term public-safety purposes. Such wells must be decommissioned within 180 day unless extended by the Safety-Service Director.
 - (4) **City-Owned or Public Purpose Wells:** Wells installed by or on behalf of the City of Van Wert for municipal water system testing, hydrological studies, or other public-infrastructure purposes.

EXISTING WELLS

- (A) **Existing Active Wells** – Private Wells legally established and actively in use prior to the adoption of this section may continue as lawful non-conforming uses. Maintenance and repair of such wells is permitted, provided no increase in capacity or change in use occurs.
- (B) **Capped or Abandoned Wells Not Grandfathered** – Any private wells that has been capped, sealed decommissioned, or otherwise abandoned shall not be considered an existing or grandfathered well for purposes of this section. A capped or abandoned well shall not qualify for replacement, reinstatement, or continuation as a lawful non-conforming use. Any request to install a new well on a parcel where a well has been capped or abandoned shall not be permitted.
- (C) **Replacement Wells** – A replacement well may be permitted only for an existing, active private well that has failed, dried, or become inoperable, provided:
 - (1) The replacement well is located on the same parcel.
 - (2) It does not increase water-withdrawal capacity.
 - (3) The property is located South of Fox Road and adjacent to US Route 118 or US Route 127 within the city limits and not currently serviced by city water.
 - (4) A city water main is installed and available to connect
 - (5) It complies with all ODNR well-construction standards, and'

- (6) It complies with all Van Wert County Health Department standards.
- (D) Wells that have been capped or abandoned shall not qualify for replacement under this subsection.