

CHAPTER 162.

PURE DRINKING WATER.

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162.01 Pure drinking water; powers of state board of health. (1) The state board of health shall, after ten days' notice of hearing in the official state paper and such other publications as it may determine, and after a public hearing, prescribe, publish and enforce minimum reasonable standards and rules and regulations for methods to be pursued in the obtaining of pure drinking water for human consumption and the establishing of all safeguards deemed necessary in protecting the public health against the hazards of polluted sources of impure water supplies intended or used for human consumption. It shall have general supervision and control of all methods of obtaining ground water for human consumption including sanitary conditions surrounding the same, the construction or reconstruction of wells and generally to prescribe, amend, modify or repeal any rule or regulation theretofore prescribed and shall do and perform any act deemed necessary for the safeguarding of public health.

(2) In the conduct of any public hearing on the establishing, amending or repealing of any such standards, rules or regulations, the state health officer or any employe designated by the board may act for the board in holding such public hearing. [1935 c. 434, 553]

162.02 Definitions. For the purposes of this chapter, the following definitions are hereby established:

(1) "Board" shall mean the state board of health.

(2) "Ground water" is defined to mean subsurface water supplied for human consumption.

(3) "Well" is defined to mean an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining ground water for human consumption.

(4) "Well drilling" is defined as the industry and procedure employed in obtaining ground water from a well by digging, boring, drilling, driving or other methods but not including the driving of points for the purpose of obtaining ground water. It shall also include all construction work and installation of well casings in said well involved therein for the protection of such well water against pollution.

(5) "Permit" is defined as the registration certificate issued by the state board of health to each person, firm or corporation duly registering and paying the annual permit fee to do well drilling as herein provided for.

(6) "Well driller" is defined to be any person, firm or corporation who has duly registered as such with the state board of health and shall have paid the annual registration fee and obtained a permit to construct wells as herein provided. [1935 c. 434, 553]

162.03 Additional powers of board. (1) The board may exercise such powers as are reasonably necessary to carry out and enforce the provisions of this chapter. It may, among other things:

(a) Employ a competent supervisor to supervise and inspect all well drilling operations and aid in the enforcement of all laws, rules and regulations governing the well drilling industry. Said board may also employ assistants, prescribe their respective qualifications and salaries and assign their duties. Except in the adoption, amendment or repeal of rules and regulations, the state health officer may act for the board.

(b) Conduct investigations and experiments for the advancement of technical knowledge and ascertain and establish the cause of ground water pollution and for the casing of wells or other means of protection, and may hold public meetings and attend or be represented at such meetings within or without the state.

(c) Enter and inspect at reasonable hours wells and equipment thereof, all water supplies for human consumption on private or public property or may order necessary corrections and repairs of construction or may order discontinuances of any well and the use of its water, if found contaminated, polluted or unfit for human consumption. It may also disseminate information relative to the construction, source and protection of such water supply.

(d) Require any well driller or other person responsible for a water supply to secure an analysis of water by the state laboratory of hygiene or branch thereof or by any laboratory accredited by the board to establish the purity and fitness of such water for human

consumption and for domestic purposes. A report of each such analysis shall be submitted to the board.

(e) Prepare and cause to be printed such codes, bulletins or other documents as may be necessary for the safety of the public health and the betterment of the industry, and furnish copies thereof to well drillers and to the public upon request.

(f) Furnish upon request of the owner of any well, or any well driller, recommendations for obtaining a safe water supply for human consumption.

(2) The board may on its own motion make investigations and conduct hearings and may, on its own motion or upon complaint in writing, duly signed and verified by the complainant, and upon not less than ten days' notice to the well driller, suspend or revoke as hereinafter provided any well driller's permit if said board has reason to believe or finds that the holder of such permit has:

(a) Made a material misstatement in the application for permit or any application for a renewal thereof.

(b) Demonstrated incompetency to act as a well driller; or

(c) Has wilfully violated a second time any provision of this chapter or any rule, regulation or order prescribed by the board.

(d) Has been guilty of any action constituting fraud, or any failure to fully comply with the specifications or terms of any contract for drilling a well.

(3) A copy of the complaint with notice of the suspension of permit, if ordered by the board, shall be served on the person complained against, and his answer thereto shall be filed, in the manner and within the time provided in subsection (3) of section 136.08, and the provisions of said subsections shall govern so far as applicable.

(4) No order revoking a permit shall be made until after a public hearing to be held before the board at the place, time and in the manner provided in section 136.09. The procedure provided in said section for notice, conduct of hearing and determination by the board shall govern so far as applicable.

(5) One year after the date of revocation or thereafter application may be made for a new permit. [1935 c. 434, 553]

162.04 Well drilling; registration; fee. (1) Every person, firm or corporation before engaging in the industry of well drilling in Wisconsin as herein provided shall annually before March first of each year make application to the board for registration as a well driller upon blanks prepared by the board for such purpose and shall accompany such application with the annual permit fee of ten dollars.

(2) All permits so issued shall expire on December thirty-first and shall not be transferable.

(3) Except as herein otherwise provided, no person, firm or corporation shall engage in the industry of well drilling for compensation in this state without having duly registered and obtained a permit therefor as herein provided. No permit shall be required of any person for driving, digging or otherwise obtaining ground water supply for his own personal use on real estate owned or leased by him, but such well and the work done thereon shall comply and be in conformity with law and the rules and regulations prescribed by the board.

(4) The provisions of this chapter shall not apply to the construction of wells where the water is used only for stock watering and other similar domestic purposes and is not used for human consumption. [1935 c. 434, 553]

Note: Some of the law applicable to well-drilling contracts is stated: Borg v. Downing, 221 W 463, 266 NW 182.

One who drills wells on his own land for use of lessees is not so engaged in well-drilling industry as to be subject to this section.

One who contracts to construct for compensation is not subject to this section, where he sublets actual performance of work to registered well driller, provided contractor has not advertised or held himself out as well driller. 27 Atty. Gen. 218.

162.05 Registration exceptions. No registration or permit to engage in the well drilling industry shall be required by competent sanitary engineers or by superintendents of waterworks systems in the preparations of plans and specifications or in supervising the installation of wells and water systems for the obtaining of supplies of ground water, but all such plans and specifications shall conform to all requirements established by the board. [1935 c. 434, 553]

162.06 Penalties. Any person, firm or corporation who engages in or follows the business or occupation of, or advertises or holds himself or itself out as or acts temporarily or otherwise as a well driller without first having secured the required permit or certificate of registration or renewal thereof, or who otherwise violates any provision of this chapter, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars or more than one hundred dollars or by imprisonment in the county jail for not less than thirty days, or by both such fine and imprisonment.

Each day during which a violation continues shall constitute a separate and distinct offense, and may be punished separately. [1935 c. 434, 553]

Note: Statute which provides penalty of imprisonment by stating minimum number of years that may be imposed but does not state maximum is constitutional. 26 Atty. Gen. 15.