ORDINANCE NO. 2014 –

AN ORDINANCE GOVERNING WATER WELLS AND WATER SUPPLIES IN IROQUOIS COUNTY, ILLINOIS

SECTION 1. PURPOSE

This Ordinance is established to eliminate disease transmission and chemical poisons through provision of a safe, potable, adequate supply of water for drinking, culinary, and sanitary purposes for every individual within Iroquois County, Illinois.

SECTION 2. DEFINITIONS

2.1 Abandoned Well means a water, closed loop or monitoring well that is no longer used to supply water or that is in such a state of disrepair that the well or boring has the potential for transmitting contaminants into an aquifer or otherwise threaten the public health and safety.

2.2 Cistern means a source of water supply developed by intercepting rainfall with roof surfaces.

2.3 Closed Loop Well means a sealed, watertight loop of pipe buried outside of a building foundation intended to re-circulate a liquid solution through a heat exchanger but is limited to the construction of the borehole and the grouting of the borehole and does include the piping and appurtenances used in any other capacity. Closed Loop Well does not include any horizontal closed loop well systems where grouting is not necessary by law or standard industry practice.

2.4 Closed Loop Well Contractor means any person who installs closed loop wells for another person. It does not include the employees of the contractor.

2.5 Community Water System means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents at least 60 days a year.

2.6 Public Health Department means Iroquois County Public Health Department.

2.7 Administrator shall mean the duly appointed executive of the Iroquois County Public Health Department and shall include the Acting Administrator or anyone to whom administrative responsibilities have been delegated.

2.8 Health Authority means the person or persons who have been designated by the Board of Health to administer the affairs of the Public Health Department.

2.9 Modification means the alteration of the structure of existing water well including, but not limited to, deepening, elimination of buried suction line, installation of a liner, replacing, repairing or extending casing, or a replacement of a well screen. Pertaining to closed loop wells, modification also means any alteration to the construction of the borehole of an existing closed loop well including, but not limited to, regrouting and installation of additional boreholes

2.10 Non-Community Water System means a public water system that is not a community water system that has at least 15 service connections used by non-residents or regularly serves 25 or more non-resident individuals daily for at least 60 days a year.

2.11 Private Water Supply means any supply which provides water for drinking, culinary and sanitary purposes and serves an owner-occupied single family dwelling.

2.12 Public Water Supply means a system for the provision to the public of piped water for human consumption if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days a year. The term Public Water Supply includes any collection, treatment, storage, and distributions facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

2.13 Semi-Private Water System means a water supply which is not a public water system yet serves a segment of the public other than an owner-occupied single family dwelling.

2.14 Water Well means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge or acquisition of ground water, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying or for inserting media to re-pressure oil or natural gas bearing formation or for storing petroleum, natural gas, or other products or for observation or any other purpose in connection with the development of operation of a gas storage project.

SECTION 3. PUBLIC WATER SUPPLY USE

In those locations where a public water supply is reasonably available, that supply should be the sole source of water for drinking and culinary purposes.

SECTION 4. WATER SUPPLY LOCATION, CONSTRUCTION AND REPAIR

4.1 Water wells. Except as otherwise herein provided, the location, construction, repair and disinfection of water wells and the installation of water well pumps shall be in accordance with the requirements set forth by the Illinois Department of Public Health Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925), which are hereby made part of this Ordinance by reference. Three copies of said regulations shall be available at the Iroquois County Clerk office. Wells that are abandoned shall be sealed in a manner prescribed by the Illinois Water Well Construction Code.

4.2 Surface Water Supplies. All non-community and semi-private water systems which receive their source of water from ponds, lakes, streams, rivers or other surface collections of water shall be designed, constructed, and operated in accordance with the Illinois Department of Public Health Surface Source Water Treatment Code (77 Ill. Adm. Code 930).

4.3 Cistern. Cisterns shall not be used for a water supply except where adequate ground water resources are not available. Non-community and semi-private water systems that use cistern water and surface water supplies shall receive treatment in accordance with the Illinois Department of Public Health Surface Source Water Treatment Code (77 Ill. Adm. Code 930).

SECTION 5. DISINFECTION AND ANALYSIS

All newly constructed/modified wells or other types of water supplies shall have the water from their water supply analyzed and approved by either the laboratory of the Illinois Department of Public Health or a laboratory approved by the Illinois Department of Public Health before the well or other water supply is placed into service. A copy of the analysis shall be filed with the Public Health Department. The water obtained from a surface supply shall meet the nitrate, turbidity, and bacteriological requirements contained in Sections 900.50, 900.60, and 900.70 of the Illinois Department of Public Health Drinking Water Systems Code (77 Ill. Adm. Code 900) and the water obtained from a well shall meet the nitrate and bacteriological requirements of Section 900.50 and 900.70 of the Drinking Water Systems Code.

SECTION 6. WATER LINES

Except as otherwise herein provided the location, construction and material standards of all water lines of the distribution system shall be in accordance with the requirements set forth by the Illinois Department of Public Health Plumbing Code (77 Ill. Adm. Code 890 Chapter 1).

SECTION 7. PERMIT REQUIRED

7.1 A permit to construct, deepen or modify private or semi-private water well, a closed loop well or a water well to serve a non-community water system must be obtained from the Iroquois County Health Department.

7.2 A permit to seal old or abandoned water well must be obtained from the Iroquois County Health Department. Permits are also required for closed loop wells.

7.3 All wells and pumps shall be maintained in a safe condition by the owner.

7.4 A non-community public water supply shall not be operated without first obtaining a permit from the Illinois Department of Public Health.

7.5 The requirements for permit in this Ordinance shall not be applicable to wells intended to serve a community public water supply system and to monitoring wells.

SECTION 8. APPLICATION FOR PERMIT

8.1 Application for permits shall be in writing and in such form that shall be prescribed by the Public Health Department.

8.2 A permit application fee is set by the State of Illinois and shall be paid to the Public Health Department before a permit is issued. This fee applies to the construction, deepening, modifying or sealing of water well or closed loop well. An inspection fee set by the Board of Health and approved by the County Board shall be paid to the Public Health Department before a permit is issued. An environmental survey fee set by the Board of Health and approved by the County Board shall be paid to the Public Health Department before services are rendered.

8.3 A permit shall be valid for a period of 12 months. Thereafter, a new permit must be obtained.

SECTION 9. REQUIRED INSPECTIONS

The Public Health Department shall be notified by telephone or in writing at least 24 hours prior to the commencement of any work to construct or deepen a well for which a permit has been issued or to seal water well, boring or monitoring. The Public Health Department shall be allowed access to any property for the purpose of performing inspection of water well construction or to inspect the sealing of wells or to investigate abandoned wells.

SECTION 10. LICENSING OF WELL DRILLERS AND PUMP INSTALLERS

All individuals who construct water wells or install well pumps shall be licensed by the Illinois Department of Public Health in accordance with the Water Well and Pump Installation Contractor's License Act Chapter III, Paragraph 7107 et seg., latest edition.

SECTION 11. ENFORCEMENT

11.1 This role and Ordinance shall be enforced by the Administrator and his/her authorized representatives.

11.2 No person shall violate any provision of this Ordinance or orders made in pursuance thereof, obstruct or interfere with the execution of an order, or willfully neglect to obey an order.

SECTION 12. HEARINGS

12.1 Hearings before the Health Authority

Any person affected by any order or notice issued by the Health Authority in connection with the enforcement of any Section of this Ordinance may file in the office of the Public Health Department a written request for a hearing before the Administrator. The Administrator shall hold a hearing at a time and place designated by him/her within thirty (30) days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If as a result of the hearing, the Administrator finds that strict compliance with the order, or notice, would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Administrator may modify or withdraw the order of notice for the purpose of properly protecting the public health. The Administrator shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Public Health Department as a matter of public record. Any person aggrieved by the decision of the Administrator may seek relief through a hearing before the Board of Health.

12.2 Hearing before the Board of Health

Any person aggrieved by the decision of the Administrator rendered as the result of a hearing held in accordance with this Section may file in the office of the Public Health Department a written request for a hearing at a time and place designated by the secretary of the Board of Health within thirty (30) days of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of facts elicited as a result of the hearing, the Board of Health finds that strict compliance with the decision of the Administrator would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Administrator, the Board of Health may grant a variance and as a condition for such variance, may, where it deems necessary, make requirements which are additional to those prescribed by this Ordinance for the purpose of properly protecting the public health. The Board of Health shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Public Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

SECTION 13. PENALTIES

A violation of any of the provisions of this Ordinance, excluding sections where penalties are otherwise provided by law, is punishable by a fine not less than $100.00. Each day's violation constitutes a separate offense. The State's Attorney of Iroquois County shall bring such actions in the name of the People of the County of Iroquois or may bring action for an injunction to restrain such violation or to enjoin the operation of any such establishment causing such violation. All monies collected from fines under this Ordinance shall be deposited to the Public Health Department Fund.

SECTION 14. CONFLICT OF ORDINANCE, EFFECT ON PARTIAL INVALIDITY

14.1 In any case where a provision of this Ordinance is found to be in conflict with provision of any zoning, building, fire, safety, or health ordinance, or Code of Iroquois County existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Authority establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Ordinance is found to be in conflict with a provision of the other Ordinance or Code of Iroquois County existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, provision of this Ordinance shall be deemed to prevail. Any such other Ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

14.2 If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 15. CITATION AND EFFECTIVE DATE

15.1 Citation. This Ordinance shall be known and may be cited as an "Ordinance Governing Water Wells and Water Supplies in Iroquois County, Illinois."

15.2 Effective Date. This Ordinance shall be in full force and effect beginning July 1, 2014.

The following Ordinance was adopted on a motion made by _____ and seconded by _____.

Adopted by the County Board this _____ day of _____, 20___.

_____
Chairman, Iroquois County Board

/s/_____
County Clerk, Iroquois County