

Chapter
340

Carroll County

WATER SUPPLIES ORDINANCE

Carroll County Health Department
822 S. Mill St.
Mt. Carroll, IL 61053

Table of Contents

Section:

1. Preamble
2. Definitions
3. Adoption by Reference
4. Public Water Supply Use
5. Potable Water Supply Required
6. Abandoned Wells
7. Permits
8. Inspections
9. Disinfection and Analysis
10. Hearings
11. Penalties
12. Conflict of Ordinance, Effect of Partial Invalidity
13. Effective Date

Carroll County
Water Supplies Ordinance

SECTION 1:
PREAMBLE

The Carroll County Board, in order to protect the health and safety of the people of Carroll County and of the general public, is authorized and directed to promulgate rules and regulations establishing minimum standards governing the design, construction, installation, operation and repair of Water Wells and Monitoring Wells. Such regulations shall establish such minimum standards as, in the judgment of the Carroll County Board, will insure protection of the groundwater supply:

- a. Do not contaminate any drinking water supply.
- b. Are not accessible to insects, rodents, or other possible carriers of disease.
- c. Are not a health hazard by being readily accessible to children or animals because of a lack of adequate capping or for other reasons.
- d. Abandoned wells are properly sealed to prevent groundwater contamination and other health hazards.

The Carroll County Board is authorized to promulgate such additional regulations as are necessary in its judgment to carry out the provisions of this Ordinance.

SECTION 2:
DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- 1. **ABANDONED CISTERN** a water collection system in any place or on any premises which is no longer used to store or supply water, or which contains stagnated water, or which poses a threat to the health or safety of the individuals, or to the public.
- 2. **ABANDONED WELL** means a water or monitoring well which is no longer used to supply water, or which is in such a state of disrepair that the well or boring has the potential for transmitting contamination into an aquifer or otherwise threatens the public health or safety.

3. **COMMUNITY PUBLIC WATER SYSTEM** means a public water system which serves at least 15 service connections used by residents, or regularly serves 25 or more residents for at least 60 days per year.
4. **HEALTH AUTHORITY** shall mean that person or persons who have been designated by the Board of Health to administer the affairs of the Carroll County Health Department.
5. **HEALTH DEPARTMENT** means the Carroll County Health Department, including its duly authorized representatives.
6. **HEALTH DEPARTMENT ADMINISTRATOR** means the individual selected by the Carroll County Board of Health to administer and enforce the policies, ordinances, resolutions, and laws of said Board.
7. **MONITORING WELL** means a water well intended for the purpose of determining groundwater quality or quantity.
8. **NON-COMMUNITY PUBLIC WATER SYSTEM** means a public water system which is not a community water system, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year.
9. **POTABLE WATER** means water that is suitable for human consumption and which meets public health standards for drinking water.
10. **PRIVATE WATER SYSTEM** means any supply which provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling.
11. **SEMI-PRIVATE WATER SYSTEM** means a water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling.
12. **WATER WELL** means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use is for the location, diversion, artificial recharge or acquisition of groundwater.
13. **WATER WELL CONTRACTOR** mean any person who contracts to drill, alter or repair any water well.

SECTION 3:
ADOPTION BY REFERENCE

In addition to those provisions set forth, this Ordinance shall be interpreted and enforced in accordance with provisions set forth in the following statutes, rules, and regulations of the State of Illinois, Department of Public Health and any subsequent amendments or revisions thereto, which publications are incorporated herein and adopted by reference as part of this Ordinance. One copy of which shall be on file in the office of the Carroll County Clerk.

- A. "Illinois Water Well Construction Code." (77 Ill. Adm. Code 920)
- B. "Illinois Water Well Pump Installation Code." (77 Ill. Adm. Code 925)
- C. "Public Area Sanitary Practice Code." (77 Ill. Adm. Code 895)
- D. "Drinking Water Systems Code." (77 Ill. Adm. Code 900)
- E. "Surface Source Water Treatment Code." (77 Ill. Adm. Code 930)

SECTION 4:
PUBLIC WATER SUPPLY USE

In those locations where a public water supply is reasonably available, that supply shall be the sole source of water for drinking and culinary purposes. A public water supply shall be deemed reasonably available when the subject property is located within 200 feet of the public water supply to which connection is practical and is permitted by the controlling authority for said water supply.

SECTION 5:
POTABLE WATER SUPPLY REQUIRED

- A. Potable Water Supply Required: All premises intended for human habitation or occupancy shall be provided with a potable water supply. The potable water supply shall not be connected to non-potable water and shall be protected against backflow and backsiphonage in accordance with the requirements of the "Illinois Plumbing Code". Each potable water supply shall provide quantities of water that are sufficient for the drinking, culinary, and sanitary needs of the dwelling or premises served. A minimum system pressure of 20 pounds per square inch shall be maintained throughout each potable water supply.
- B. Surface Water Supplies: All water systems which receive their source of water from ponds, lakes, streams, rivers, or other surface collectors of water shall be

- D. Application for Permit: All applications for permits under the provisions of this Ordinance shall be made in writing and in such form as prescribed by the Health Authority. Sufficient data shall be included to determine whether the proposed application for permit meets the requirements of this Ordinance.
- E. Issuance of Permit: Upon submission of the application for permit, including the plans and specifications of the proposed water well or component thereof, the Health Authority shall review said application prior to issuance of a permit. The Health Authority may require additional information, which may include the location of private sewage disposal systems and/or water wells on adjacent properties. It shall be the responsibility of the applicant or an authorized agent of the applicant to obtain all necessary data and to design a system which shall meet the requirements of this Ordinance. If the Health Authority, upon review of said application, finds that such application meets the requirements of this Ordinance, and upon payment of the required fee, a permit shall be issued to the applicant. Such permit shall include specifications specific to each proposed water well and shall include a statement as to any restrictions relating to the location, materials, components, or type of water well to be constructed.
- F. Variance: The Water Well Contractor may request a variance by submitting to the Health Department a written request outlining a specific proposal to be used in lieu of compliance with this Ordinance. The request shall include a plot plan of the property showing lot size, the location of sewers, septic tanks, buildings, seepage fields, and other sources of contamination on the property and adjacent property with distances shown to the proposed well. The Health Department shall approve the variance if the proposal is in accordance with accepted public health and sanitary engineering principles and practices, and if the resulting water well installation can be expected to provide a continuously safe and sanitary water supply. The Health Department will notify the applicant in writing of its decision either to grant or deny the variance. A variance shall be requested and approved before construction begins.
- G. Receipt of Application: The Health Department shall act upon all applications within fifteen (15) days of receipt thereof.
- H. Water Well and/or Pump Installation Contractor's Responsibility: It shall be the responsibility of the Water Well Contractor to insure that a permit has been issued before any construction or deepening of a water well is begun and to follow the conditions of said permit. Failure of the Water Well Contractor to insure said permit has been issued or to violate the conditions of said permit shall constitute a violation of this Ordinance. All water wells shall be constructed in accordance with the "Illinois Water Well Construction Code". All individuals who construct water wells and 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" (225 ILCS 345/1).

- I. Permit Expiration: A permit to construct or deepen a water well is valid for a period of one (1) year from the date of issuance. If construction has not started within this period, the permit is void. The Administrator of the health department shall have the authority to reasonably extend the period of applicability for just cause.
- J. Permit Fee: There shall be a permit fee charged for the issuance of a permit authorizing the construction, alteration or extension of any water well, including drilled, bored, driven, and sandpoint wells. The fee shall be collected by the Health Department at the time an application for permit is submitted, and shall be deposited in the Health Department fund. The fee schedule shall be set and approved by the Carroll County Board upon the recommendations of the Carroll County Board of Health.
- K. Exceptions: A permit to construct or deepen a water well shall not be required by the Health Authority when such water well does or will serve a community public water system. Such exemption does not preclude regulations by other governmental entities.

SECTION 8: INSPECTIONS

- A. Right of Entry: The Health Authority shall have the authority to enter any property at any reasonable time for inspection purposes to determine compliance with the provisions of this Ordinance. It shall be the duty of the owner or occupant of a property to allow the Health Authority free access to the property for inspection purposes to determine compliance with the provisions of this Ordinance.
- B. Inspection of Completed Work: A water well shall not be placed into operation until the installation of the water well and its components has been inspected to verify compliance with the applicable provisions of this Ordinance and written approval issued by the Health Authority. To the degree practicable and permitted by the Health Authority, the completed installation shall remain uncovered and/or accessible for inspection purposes until approved by the Health Authority. If the Health Authority, upon inspection of the specified installation or component thereof, finds that such work meets the provisions of this Ordinance, the Health Authority shall approve such work and authorize operation of the water well. However, compliance with Section 9 shall be obtained prior to utilizing the water system for drinking and culinary purposes.
- C. Notification for Inspection: The Health Authority shall be notified at least two (2) days prior to commencing the construction or deepening of a water well, which includes any drilled, bored, driven, or sandpoint well, for which a permit has been issued. The Health Authority shall also be notified at least two (2) days prior

to sealing of an abandoned water well at which time a date for inspection will be arranged. It shall be the responsibility of the Water Well Contractor to notify the Health Authority as required.

- D. Suspension of Permit: Upon inspection by the Health Authority, if it is found that any provisions of this Ordinance or any permit specifications for a stated property have been violated, the Health Authority shall notify the installer to make such specified changes in the work to allow compliance with the provisions of this Ordinance and the permit. If such changes are not made within a period of time specified by the Health Authority, said permit shall be suspended, and it shall be unlawful to place the water well into operation.

SECTION 9 DISINFECTION AND ANALYSIS

- A. Disinfection and Analysis: It shall be the duty of the homeowner to insure all components of a new water well construction and /or modification shall be thoroughly disinfected with a strong chlorine solution which will yield a dosage of at least 100 parts per million to the water in the well. After purging the system of any chlorine residual, a water sample shall be taken and satisfactory bacteriological results, as confirmed by a certified laboratory, shall be obtained prior to utilizing the water system for drinking and culinary purposes. A certified laboratory shall mean a laboratory operated by the Illinois Department of Public Health or a laboratory given certification approval by the aforementioned agency for analyzing samples of water for potable use.
- B. Continuing Analysis: It shall be the duty of every owner of every water well serving a semi-private water system for more than one residence to properly maintain their well in accordance with the "Illinois Water Well Construction Code".

SECTION 10 HEARINGS

- A. Hearing with Administrator: Any person affected by any order or notice issued by the Health Department in connection with the enforcement of any section of this Ordinance, may file in the office of the 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 or notice and as a condition for such action may, where he/she deems it necessary, make

requirements which are additional to those prescribed in this Ordinance 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 Health Department as a matter of public record and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail. Any person aggrieved by the decision of the Administrator may seek relief therefrom through a hearing before the Board of Health.

- B. Hearing with 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 Health Department a written request for a hearing before the Board of Health 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. For the purpose of this section the Board of Health shall mean a simple majority of the Carroll County Board of Health. 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 or Acting 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, all for the purpose of properly protecting the public health. The Board of health shall render 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 Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

SECTION 11: PENALTY

- A. Any person found guilty of violating any provision of this Ordinance shall be guilty of a Class B misdemeanor. Each day a person violates this Ordinance shall constitute a separate offense. All monies collected from fines imposed upon violations of this Ordinance shall be deposited in the Carroll county Health Department Fund.
- B. The State's Attorney of Carroll County may bring suit seeking to permanently enjoin any ongoing violation of this Ordinance or to enjoin the operation of any establishment causing a violation of this Ordinance.

SECTION 12
CONFLICT OF ORDINANCE
EFFECT OF PARTIAL INVALIDITY

- A. Conflict of Ordinance: In any case where a provision of this Ordinance is found to be in conflict with a provision of another Ordinance of the County of Carroll, the more specific provision of either shall apply over the more general.
- B. Severability: Should any provision, section, subsection, paragraph, sentence, clause or phrase of this Ordinance be found invalid for any reason or should any provision of this Ordinance be stricken by an act of the County Board, the remainder of this Ordinance shall remain in full force and effect as if the subject provision had never been included in this Ordinance.

SECTION 13
EFFECTIVE DATE

This Ordinance shall be in full force and effective immediately upon its adoption by the Carroll County Board.

The above and foregoing Ordinance was adopted on this 19th Day of August, 2004



Chairperson
Carroll County Board



County Clerk
Carroll County