

HENRY COUNTY WATER ORDINANCE

PREAMBLE

This ordinance is established to eliminate disease transmission and chemical poisons or adulterants through provision of a safe, potable, adequate supply of water for drinking, culinary and sanitary purposes for every individual within the health jurisdiction.

SECTION I. DEFINITIONS

Health Authority shall mean the Administrator or Health Officer, of Henry County Health Department or his or her designee.

A. DEFINITIONS PERTAINING TO CLOSED LOOP HEAT EXCHANGE SYSTEMS

1. **Body of Water Loop System** means a heat exchange system where a portion of the pipe intended to recirculate a liquid solution through a heat exchanger is submerged, suspended, or anchored in a pond or lake.
2. **Bore Hole or Drill Hole** means an excavation that is drilled, cored, driven, dug or otherwise constructed that penetrates an aquifer or that may degrade the quality of the aquifer.
3. **Closed Loop Heat Exchange System (Geothermal Exchange Systems)** means sealed, water tight loop of pipe buried outside of a building foundation, which is intended to recirculate a liquid solution through a heat exchanger. The term includes, but is not limited to, closed loop wells, horizontal closed loop and body of water loop systems.
4. **Closed Loop Heat Pump Well** means the same as “Closed Loop Well”.
5. **Closed Loop Well** means a sealed, watertight loop of pipe buried outside of a building foundation, which is intended to recirculate a liquid solution through a heat exchanger but is limited to the construction of the bore hole, piping in the bore hole, heat exchange fluid, and the grouting of the bore hole and does not 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.
6. **Closed Loop Well Contractor** means any person who installs closed loop wells for another person. Closed loop well contractor does not include the employee of a closed loop contractor.
7. **Closed Loop Well System** means a clustered group of closed loop wells that serve the same facility.

B. DEFINITIONS PERTAINING TO WATER WELLS

- 1. Community Public Water System** means a public water system which serves at least 15 service connections used by residents, or regularly serves at least 25 residents for at least 60 days per year.
- 2. 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 non-residents, or regularly serves 25 or more non-resident individuals daily for at least 60 days per year.
- 3. Private Water System** means any system which provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling.
- 4. Public Water System** means a system for the provision to the public for human consumption through pipes or other constructed conveyances, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year.
- 5. Semi-Private Water System** means a water system which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling.
- 6. 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 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 quarry or inserting media to repressure an 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 or operation of a gas storage project.

SECTION II. 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 current and subsequent amendments or editions of the following: Illinois Water Well Construction Code (77 Ill. Adm. Code 920), Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925), Public Area Sanitary Practice Code (77 Ill. Adm. Code 895), Drinking Water Systems Code (77 Ill. Adm. Code 900), Surface Source Water Treatment Code (77 Ill. Adm. Code 930), Illinois Plumbing Code (77 Ill. Adm. Code 890), and Illinois Groundwater Protection Act (415 ILCS 55/). Copies of said Codes and ordinances shall be on file with the County Clerk's Office and the office of the Health Authority.

SECTION III. WATER SUPPLY USE

- A.** No building or residential dwelling shall be occupied without a sufficient potable water supply and pressure to adequately serve all plumbing fixtures therein. Sufficient supply and pressure shall be defined as specified in the Illinois Plumbing Code (77 Ill Adm. Code 890).
- B.** In those locations where a public water supply is reasonably available, that supply shall be the sole source of water for drinking, culinary, and sanitary purposes.
- C.** Cisterns shall not be used for a water supply except where adequate groundwater resources are not available. Cistern water and surface water supplies (water systems which receive their source of water from ponds, lakes, streams, rivers or other surface collectors 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) and any subsequent amendments or revisions thereto.

SECTION IV. COMPLIANCE PROVISION

- A. PERMIT:** No water well nor closed loop heat exchange system well shall be constructed, deepened, modified or sealed after abandonment, except in accordance with these regulations, and it shall be unlawful to proceed with the construction, deepening, modification or sealing of a water well without first obtaining a permit from the Henry County Health Department. All water wells, closed loop wells and pumps shall be maintained in safe condition by the owner.

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

No surface water supply system shall be constructed or installed, except in accordance with these regulations, and it shall be unlawful to proceed without first obtaining a permit from the Henry County Health Department.

- 1. ISSUANCE OF PERMIT:** Any person desiring to construct, deepen, modify or seal an abandoned well shall make written application for a permit on approved forms provided by the Health Authority. Permits shall not be transferable from one contractor to another unless paid by the property owner. Permits are not transferable from one property to another.

- B. SEPTIC SYSTEM SET BACK FOR HORIZONTAL CLOSED LOOP WELL SYSTEMS:** In order to protect the sewage disposal system and a horizontal closed loop well system, there shall be a minimum set back of fifteen (15) feet between components of the systems.

C. NOTIFICATION: For the required inspection, the Henry County Health Department shall be notified by telephone or in writing at least 48 hours prior to the commencement of any work to construct, modify or seal after abandonment of a water well or closed loop well for which a permit has been issued.

D. REGISTRATION:

- 1. SEMI-PRIVATE WELL OWNERS:** The owners of all semi-private wells (wells serving as water supplies for more than one residence) shall register the same with the Henry County Health Department on such forms as shall be furnished by said department. If the owner is a firm, corporation, partnership, etc., then the owner shall appoint a person to be in charge of the maintenance thereof of said well and all trunk and service lines, and his name shall be registered with said department. Any change as herein required shall be promptly reported by the owner to said department.

- 2. WATER WELL CONTRACTORS, WATER WELL PUMP INSTALLERS AND CLOSED LOOP WELL CONTRACORS:** All individuals who construct water wells and install water well pumps shall be licensed by the Illinois Department of Public Health. All individuals who install closed loop well systems shall possess a valid certificate of registration issued by the Illinois Department of Public Health. All Horizontal Closed Loop contractors shall annually register with Henry County Health Department. The registration shall expire on November 30th of the year of issue.

E. INSPECTIONS:

- 1.** Henry County Health Department shall inspect all new closed loop well systems and shall inspect all new water wells for which a permit has been issued.

- 2. COMPREHENSIVE WELL INSPECTION:** At the time of construction, Henry County Health Department shall annually inspect at least one well constructed in the jurisdiction by each licensed/registered contractor (permit holder) during the calendar year. If Henry County Health Department staff has direct oversight of Stark County Health Department's jurisdiction, Illinois Department of Public Health will consider both jurisdictions to be one jurisdiction.
 - a)** This comprehensive well inspection of a water well shall include observation of the critical aspects of construction and shall include, at a minimum, inspection of grouting and setting of the casing.

 - b)** The inspection for a closed loop well system shall include observation of the critical aspects of construction, including, at a minimum, inspecting the grouting and documenting the setback distances.

3. ABANDONED WELL AND CLOSED LOOP WELL SEALING INSPECTIONS:

- a) Henry County Health Department shall be present at the site at the time that a well is being sealed by a homeowner.
- b) Henry County Health Department shall annually be present at the site during at least one well sealing performed by each licensed /registered contractor (permit holder) sealing wells in his/her jurisdiction during the calendar year to assure that proper materials and methods are used to seal abandoned wells in accordance with the Water Well Construction Code. If Henry County Health Department's staff has direct oversight of Stark County Health Department's jurisdiction, Illinois Department of Public Health will consider both jurisdictions to be one jurisdiction.
 - i). Henry County Health Department shall observe the critical elements of the well sealing, which shall include placement of the sealing material and removal of the pumps and upper casing, and shall assure that proper materials and placement methods are used.
 - ii). In the case of a closed loop well, the critical elements shall include placement of the sealing grout to assure that proper materials and methods are used.

F. FEES: The Henry County Board of Health shall establish permit fees in accordance with Sec: 5-25013 of Chapter 55, Act 5 of the Illinois Compiled Statutes and that are reasonable and necessary to provide the services and required activities.

- 1. The fee schedule shall be available for reviewing and copying by the public and is incorporated herein by reference.
- 2. Permit fees are non-refundable.

SECTION V. DISINFECTION AND ANALYSIS

- A. Owners of newly constructed wells or other types of water supplies which supply a semi-private water system shall have the water from their semi-private 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 Henry County Public Health Department.
- B. The water obtained from a semiprivate water supply shall meet the requirements of the public area sanitary practice code, section 895.20 (b) and the water obtained from a private well shall meet the bacteriological and nitrate requirements of the primary drinking water standards (35 Ill. Admin. Code 611).

- C. The water from a private water system, having surface water as its source shall meet the nitrate/nitrite, bacteriological and turbidity requirements of the primary drinking water standards (35 Ill. Admin. Code 611).
- D. CONTINUING ANALYSIS: It shall be the duty of every owner of every well serving as a water supply for more than one residence to have the water therein bacteriologically analyzed annually. In addition, such water shall be analyzed aforesaid whenever the water lines are opened up for additional services for new residences which have not heretofore been serviced from said well. A copy of the analysis shall be filed with the Henry County Health Department.

SECTION VI. ENFORCEMENT PROVISIONS: SUSPENSIONS, REVOCATIONS, REFUSAL TO RENEW AND PENALTIES

- A. The Henry County Board of Health or its authorized representative is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance.
- B. It shall be the duty of the owner or occupant of a property to give the Henry County Board of Health or its authorized representative free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this ordinance.
- C. **SUSPENSION OF PERMIT:** Upon review or 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 contractor or person responsible for the work to make such specified changes in the work to achieve compliance. If such changes are not made within a period of time specified by the Health authority, said permit shall be suspended, and penalty action may be taken. In such cases, the water well system or closed loop heat exchange system may be deemed unsuitable for use, and the system prohibited from being put into use.
- D. **PENALTIES:** Any violation of the provisions of this ordinance, upon conviction, shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). Each day the violation continues shall constitute a distinct and separate offense. There shall be no incarceration for violations of this article. Any person who shall violate any of the provisions of this article shall be issued an order to remedy such violations. The order shall specify the violations and the date by which they shall be remedied. Failure of the person to remedy the violations by the date specified in the order shall constitute a business offense punishable by a fine not to exceed \$750.00, with each day subsequent to such date that the violations remain uncorrected as a separate offense. In addition, the state's attorney may bring action for an injunction to restrain such violation, or to enjoin the operation of any such establishment.

SECTION VII. REPEAL AND DATE OF EFFECT

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and these rules and regulations shall be in full force and effect immediately upon its adoption and publication as provided by law.

SECTION VIII. UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

PASSED AND APPROVED BY THE COUNTY BOARD OF HENRY COUNTY, ILLINOIS,
AT THEIR REGULAR MEETING HELD ON 8/12/75.

REVISIONS PASSED AND APPROVED 7/10/84.

REVISIONS PASSED AND APPROVED 3/14/89.

REVISIONS PASSED AND APPROVED 12/12/06.

REVISIONS PASSED AND APPROVED 07/16/2015